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OPINIONS

OF

MARTIN VAN BUREN,

VICE PRESIDENT OF THE UNITED STATES,

UPON

THE POWERS AND DUTIES OF CONGRESS,

IN REFERENCE TO

THE ABOLITION OF SLAVERY

ETHERE IN

THE SLAVE-HOLDING STATES OR IN THE DISTRICT OF COLUMBIA.

TO WHICH ARE ADDED

SUNDRY DOCUMENTS SHOWING HIS SENTIMENTS UPON OTHER SUBJECTS.

WASHINGTON:

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1836.

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MR. VAN BUREN'S OPINIONS.

FROM THE RICHMOND ENQUIRER.

MR. VAN BUREN—NO ABOLITIONIST!

We lay this morning before our readers the following frank, manly, masterly letter of Mr. Van Buren on the subject of abolitionism.

There is some reason to suspect that the letter from North Carolina was intended to embarrass him—as Jackson was the scene of the famous Mangum and Leigh dinner. But he has not hesitated to meet their question fairly, openly, and above board. And to the circumstance of a similar inquiry being addressed to him by the delegate from Brunswick, and a friend of the administration, we are indebted for the pleasure of laying this interesting correspondence before the public.

Mr. Van Buren explicitly admits that he construes the general clause in the constitution as conferring on Congress the same authority in the Federal District over the subject, that would otherwise have been possessed by the States of Maryland and Virginia—throwing upon them, as we contend, the duty of paying for every slave that should be touched. But while he frankly admits such a power, he protests, in the most solemn manner, against the slightest exercise of it “*against the wishes of the slave-holding States.*”

He contends that no such power ought to have been given; that the exemption as to slavery is a *casus omissus* in the constitution. He believes, that if such a case as the present could have been foreseen at the formation of that instrument, it would have been made an exception to the unrestricted legislative power—moreover, that it is a surprise upon the States of Virginia and Maryland; that if such a case as the present could have been foreseen at the time of the cession, a positive restriction would have been laid upon Congress, against any attempt to exercise any such power.

Mr. Van Buren holds, as a necessary consequence, that the abolition of slavery in the District, against the wishes of the slave-holding States, would destroy at once that compromise of interests *which lies at the basis of our social compact*. He therefore declares it to be his *clear and settled opinion*, that it is the sacred duty of those who are entrusted with the control of the action of the Federal Government, to use their constitutional power so as to prevent it; and, of course, if he were the President of the United States, he must veto any bill which might affect the rights of the slave-holders in the District. No language indeed can be stronger than that which he employs. He would go into the Presidential chair “*the inflexible and uncompromising opponent of any attempt on the part of Congress to abolish slavery in the District,*” &c. He denies, most positively, that they have the shadow of any such power over the States; and so solemn is his conviction of duty as to the District, so deep his sense of the injustice which would be done to the slave-holding States, so perfectly satisfied is he that “*it would inevitably occasion the dissolution of our happy Union,*” that he declares the exercise of any such power in the District forbidden by objections “*as imperative in their nature and obligations as the most palpable want of constitutional powers would be;*” and that he would go into the Presidential chair “*with the determination equally decided, to resist the slightest interference with the subject in the States where it exists.*”

Who then can doubt Martin Van Buren's solemn, deliberate, and well considered determination to exercise all his influence, all the power with which he may ever be invested, to prevent the slightest action of Congress, either in the District or in the States; and if it should ever come to *that*, (which Heaven in its providence forbid!) he is ready to put the Presidential veto upon it, and to arrest the evil. He is committed to this course by every high and holy consideration which can bind his conscience, affect his character, and concern the eternal interests of his beloved country.

CORRESPONDENCE.

RICHMOND, March 5, 1836.

Sir: Your opinion on the slave question in relation to the States is distinctly understood in the South, and perfectly satisfactory; but many of your friends are in doubt as to your real sentiments on the District question. I take the liberty, therefore, of requesting a candid avowal of your opinion on the constitutional rights of the inhabitants of the District of Columbia. Do you mean to say, when you say that you are “*against the propriety of agitating the question in the District,*” that Congress has no power, under the federal constitution, to inter-

ere with the slave question? Any reply which you may think proper to make, will find me here for the next ten days; I am an Administration man, and a delegate from the county of Brunswick.

I have the honor to be, with great respect,

Your obedient servant,

J. B. MALLORY.

The Hon. MARTIN VAN BUREN,
Vice President of the United States.

WASHINGTON, March 11, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, asking my opinion as to the constitutional power of Congress to interfere with the subject of slavery in the District of Columbia, and to send you herewith, in reply thereto, a copy of a correspondence with certain citizens of North Carolina and myself, on the same point.

As some time may intervene before its publication there, you have my permission to hand the correspondence forthwith to the editor of the Enquirer for publication in his paper. In the event of its being so published, I desire that your letter to me, with this answer thereto, may appear at the same time.

I am, sir, very respectfully, your obedient servant,

M. VAN BUREN.

JAMES B. MALLORY, Esq.

NORTH CAROLINA CORRESPONDENCE.

JACKSON, February 23, 1836

DEAR SIR: A portion of your fellow citizens in this section, feeling a deep anxiety as to your views on a topic which most vitally affects our immediate welfare and happiness, have thought proper to propound to you the following interrogatory, to which we wish an explicit answer.

Do you or do you not believe that Congress has the constitutional power to interfere with or abolish slavery in the District of Columbia?

The conspicuous situation in which you are placed, and the importance of a thorough knowledge of your views on this interesting topic, will, we hope, be sufficient apology for the liberty we have taken.

JUNIUS AMIS,
ISAAC HALL,
JOHN WALL,
C. YELLOWBY,
SAM'L B. SPIRRILL,
JA'S W. PUZINN.

His Excellency MARTIN VAN BUREN.

Martin Van Buren's reply.

WASHINGTON, March 6, 1836.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter apprizing me of the deep anxiety which is felt by a portion of your fellow-citizens as to my views upon a topic vitally affecting their immediate welfare and happiness, and of the importance of their being possessed of a thorough knowledge of them; and asking me to say whether I do or do not believe that Congress has the constitutional power to interfere with or abolish slavery in the District of Columbia.

I am not only willing, but desirous, gentlemen, that you should have the most thorough knowledge of my views and feelings upon the delicate and interesting subject with which your question is connected; and I shall endeavor to acquaint you with them in the fullest manner in my power.

Not having heretofore had the honor of being in political communication with you, I am not advised whether the sentiments relating to it, which have been avowed by myself and by my authority within the last two years, have come to your knowledge. I deem it, therefore, proper, to furnish you with the substance of them, before I reply to your more specific inquiry. The avowals to which I refer, were:

1st. An opinion that Congress has no right to interfere in any manner, or to any extent, with the subject of slavery in the States;

2d. Against the propriety of their doing so in the District of Columbia; and

3d. The statement of my full concurrence in the sentiments expressed by the citizens of Albany, in public meeting, the most important of which are as follows, viz: "That the constitution of the United States carries with it an adjustment of all questions involved in the deliberations which led to its adoption, and that the compromise of interests in which it was founded, is binding in honor and good faith, independently of the force of agreement, on all who live

under its protection and participate in the benefits of which it is the source." "That the relation of master and slave is a matter exclusively belonging to the people of each State, within its own boundary, and that any attempt by the Government or people of any other State, or by the General Government, to interfere with or disturb it, would violate the spirit of that compromise which lies at the basis of the federal compact." "That we can only hope to maintain the Union of the States by abstaining from all interference with the laws, domestic policy, and peculiar interests of every other State." "That all such interference which tends to alienate one portion of our countrymen from the rest, deserves to be frowned upon with indignation by all who cherish the principles of our revolutionary fathers, and who desire to preserve the constitution by the exercise of that spirit of amity which animated its framers." "That they deprecated the conduct of those who are attempting to coerce their brethren in other States into the abolition of slavery, by appeals to the fears of the master and to the passions of the slave; and that they could not but consider them as disturbers of the public peace, and would, by all constitutional means, exert their influence to arrest the progress of such measures." "That whilst they would maintain inviolate the liberty of speech and the freedom of the press, they considered discussions, which, from their nature, tend to inflame the public mind and put in jeopardy the lives and property of their fellow-citizens, at war with every rule of moral duty, and every suggestion of humanity, and would be constrained, moreover, to regard those, who, with a full knowledge of their pernicious tendency, persist in carrying them on, as disloyal to the Union." "That the people of the south would do great injustice if they allow themselves to believe that the few who are interfering with the question of slavery, are acting in accordance with the sentiments of the north upon the subject." And, finally, "that they made these declarations to their southern brethren in the same spirit of amity which bound together their fathers and ours, during a long and eventful struggle for independence; and that they did, in full remembrance of that common association, plight to them their faith to maintain in practice, as far as lies in their power, what they had thus solemnly declared."

These views, thus expressed and sanctioned by myself, appear to me to cover the whole ground, save the abstract question to which you have been pleased to call my attention, and I cheerfully embrace the opportunity you have felt it your duty to afford me, to explain myself fully on that also. As anxious as you can possibly be, to arrest all agitation upon this disturbing subject, I have considered the question you have propounded to me, with a sincere desire to arrive at the conclusion, that the subject, in relation to the District of Columbia, can be safely placed on the same ground on which it stands in regard to the States, viz: the want of constitutional power in Congress to interfere in the matter. I owe it, however, to candor, to say to you, that I have not been able to satisfy myself that the grant to Congress, in the constitution, of the power of "*exclusive legislation in all cases whatsoever*" over the Federal District, does not confer on that body the same authority over the subject that would otherwise have been possessed by the States of Maryland and Virginia; or that Congress might not, in virtue thereof, take such steps upon the subject in this District, as those States might themselves take within their own limits, and consistently with their rights of sovereignty.

Thus viewing the matter, I would not, from the lights now before me, feel myself safe in pronouncing that Congress does not possess the power of interfering with or abolishing slavery in the District of Columbia. But, whilst such are my present impressions upon the abstract question of the legal power of Congress—impressions which I shall at all times be not only ready, but disposed, to surrender upon conviction of error—I do not hesitate to give it to you as my deliberate and well considered opinion, that there are objections to the exercise of this power, against the wishes of the slave-holding States, *as imperative in their nature and obligations*, in regulating the conduct of public men, *as the most palpable want of constitutional power would be*.

You have alluded in your letter to the conspicuous situation in which I have been placed before the public, and I take it for granted, that it is to that circumstance, rather than to any other, that I am to ascribe the solicitude felt by yourselves and your fellow-citizens in respect to my views on this subject. I recognize, to the fullest extent, the propriety of this desire on your part; and although there is nothing in your letter making the avowal necessary, I prefer that not only you, but all the people of the United States shall now understand, that if the desire of that portion of them which is favorable to my elevation to the Chief Magistracy, should be gratified, I must go into the Presidential chair, the inflexible and uncompromising opponent of any attempt on the part of Congress to abolish slavery in the District of Columbia, against the wishes of the slave-holding States; and also with the determination *equally decided*, to resist the slightest interference with the subject in the States where it exists. In saying this, I tender neither to them nor to you, any pledges, but declare only settled opinions and convictions of duty. Those who doubt that they will be carried into full and fair effect, are under no obligations to trust me. An opportunity is afforded them to exercise their free choice in the matter, and they may be assured, that there is no one less likely to complain of its exercise than myself.

The peculiar importance of the subject, and a desire (which you will allow me to feel) that my views of it should be correctly understood, make it proper that I should explain the grounds of the opinions above expressed. They are founded, amongst others, on the following considerations, viz:

1st. I believe, that if it had been foreseen, at the time of the adoption of the constitution, that the seat of the Federal Government would be fixed in a slave holding

subject of slavery would be there agitated to the prejudice of those holding this species of property, the right to do so, would, with the assent of the non slave-holding States, have been made an exception to the unrestricted legislative power given to Congress over the District to be ceded.

2dly. I cannot but regard the agitation of this subject in the District of Columbia, as a surprise upon the people of Maryland and Virginia, being very confident that if the state of things which now exists, had been at all apprehended by those States, the cession of the District would not have been made except upon the express condition that Congress should exercise no such power; and that with such a condition the cession would, in the then state of public opinion, have been readily accepted.

3dly. I do therefore believe, that the abolition of slavery in the District of Columbia, against the wishes of the slave-holding States (assuming that Congress has the power to effect it) would violate the spirit of that compromise of interests which lies at the basis of our social compact; and I am thoroughly convinced, that it could not be so done, without imminent peril, if not certain destruction, to the Union of the States. Viewing the matter in this light, it is my clear and settled opinion, that the Federal Government ought to abstain from doing so, and that it is the sacred duty of those whom the people of the United States entrust with the control of its action, so to use the constitutional power with which they are invested as to prevent it.

I think it due to the occasion, and only a simple act of justice to my fellow-citizens of the north, of all political parties, to add the expression of my full belief, that the opinions above expressed, accord in substance with those entertained by a larger majority of the people of the non slave-holding States, than has ever before existed in those States on a public question of equal magnitude. It is also due to them to say, that their sentiments on this subject spring out of considerations of too high a character, and look to consequences of too solemn an import, to be shaken by slight causes. With only a generous confidence on the part of the south in their brethren of the north, and a firm determination on the part of each to visit with their severest displeasure any attempt to connect the subject with party politics, those sentiments cannot be overthrown. All future attempts on the part of the abolitionists to do so, will then only serve to accumulate and concentrate public odium on themselves. That there are persons at the north who are far from concurring in the prevailing sentiment I have described, is certainly true; but their numbers, when compared to the rest of the community, are very inconsiderable; and if the condition of things be not greatly aggravated by imprudence, many of them, I have no doubt, will ultimately adopt sounder views of the subject; and the efforts of those who may persist in the work of agitation, may be overcome by reason, or rendered inoperative by constitutional remedies.

To one class of those who have hitherto petitioned Congress for the abolition of slavery in the District of Columbia, I cannot forbear to refer. I allude to the society of Friends, or the people usually denominated Quakers. The uniformity of their course upon this subject, the temperate manner in which it has been manifested, and the marked excellence of their conduct and character, appear to have conciliated respect for their motives, even from those who differ with them in opinion. As far as my observation has enabled me to judge, it is due them to say, that as there has been no indications of any change of opinion upon their part during the present excitement, so has there been no evidence of a disposition to lend themselves to the undue agitations of the public mind attempted by others. There is certainly no class of people in this country, who have a deeper interest in the preservation of the Union, and of the happy system of government which it upholds, than they; and it has now become very apparent to all reflecting and observing minds, that the question of slavery in the District of Columbia cannot be pressed to the result they desire, with safety to those paramount objects. Do not these considerations justify the hope, that from them, at least, we may reasonably expect, for the future, a mode of dealing with the subject, which, whilst it does no injustice to their principles, shall repress instead of increasing agitation, and not endanger the great interest to which I have referred? To doubt it would be to distrust the influence which industry, morality, intelligence, and republican habits—qualities which all admit them to possess in a high degree, are calculated, in great emergencies, to exert upon the conduct of their possessors. And for the like reason, it may certainly be expected that well disposed persons of other religious denominations, who, without a full consideration of the difficulties which surround this subject, and of the dangerous consequences to which the efforts of the abolitionists so evidently tend, have lent to those efforts the influence of their names and character, will be careful hereafter to avoid the repetition of an error so unfortunate and mischievous.

In every view of the subject, therefore, it does appear to me, that, although there certainly is, in the present condition of the country in relation to it, sufficient to excite the most serious attention, there is nothing in the state of public opinion in the United States to justify that panic in the public mind, which invariably disqualifies those who partake of it from dealing wisely or successfully with the circumstances by which it is produced. From abroad we have, I think, some right to expect less interference than heretofore. We shall, I am confident, for some time at least, have no more foreign agents to enlighten us on the subject. Recent results here, and the discussions with which they have been attended, cannot fail to attract the attention of the reading and reflecting portion of the foreign public. By these means they will be made to understand our real condition in this respect, and they will know that the unchangeable law of that condition is, that the slave question must be left to the control of the slave-holding States them-

rations which led to its adoption, and even

is binding in honor and good faith, independently of the force of agreement, . . .

selves, without molestation or interference from any quarter; that foreign interference of every description can only be injurious to the slave, without benefit to any interest, and will not be endured by any section of our country; and that any interference, coming from even the non slave-holding portions of our own territory, is calculated to endanger the perpetuity, and if sanctioned by the General Government, would inevitably occasion the dissolution, of our happy Union. Seeing the subject in this, its true aspect, and conscious as they must be, that the downfall of this republic would be the severest blow that the cause of liberty and self-government could receive, and from which its recovery would be hopeless, the wise and good amongst them—those who are really guided by the principles of justice and humanity—will pause and acknowledge that they have misapprehended the true bearings of this question. Instead of accusing our countrymen who hold property in slaves, with disregarding the general principles of liberty and the dictates of a pure religion, they will recognise, in this class of our citizens, as sincere friends to the happiness of mankind as any others, and will become sensible that this species of property, the result of causes over which they had no control, is an inheritance which *they* only know how to dispose of. Instead of charging the people of the non slave-holding States, as has often been done, with hypocrisy in professing an ardent love of freedom, they will find that the free citizens of the north are only acting upon the principles of fidelity, to their most solemn engagements; that if they were to attempt the accomplishment of what is desired of them by those who regard slavery as inconsistent with the equal rights on which our institutions are founded, they will involve themselves in the odium, either of seeking to evade a compact which was the means and the pledge of our national existence, or of availing themselves of their present power and unexampled prosperity, to dissolve a connection with their southern brethren, formed at a period of mutual adversity, for a cause which was then not only known to exist, but the continuance of which was expressly recognised in the bond of their union.

I have thus, gentlemen, been compelled to extend my remarks, considerably further than I intended, when I commenced to answer your inquiry. As, however, the subject was delicate and important, I feel that I have not trespassed farther upon your time in its examination than was proper to enable you to comprehend the views I entertained of it, or than was respectful to the considerations which justified your call for those views. And I feel assured, whatever may be the difference of opinion, if any, which exists between myself and any other portions of my fellow-citizens, that the issue of this matter, as of all preceding questions which have agitated the public mind, and have been thought to be pregnant with danger, will, in their hands, be such as to strengthen the bonds of their union, and to increase those fraternal and patriotic affections, which our past national history has so often and so honorably illustrated.

I am, very respectfully,

Your obedient servant,

M. VAN BUREN.

Messrs. Junius Amis, Isaac Hall, John Wall, C. Yellowby, Samuel B. Spirrill, and James W. Purzinn, Jackson, N. C.

Letter from B. F. BUTLER, Esq. of New York, Attorney General of the United States, to HUGH A. GARLAND, Esq. of Mecklenburg, Virginia; also originally published in the Richmond Enquirer. March, 1835.

DEAR SIR: I avail myself of the first moment in which I could properly enter on such a task, to fulfil the promise made to you on the receipt of your letter, of the 16th instant, requesting for public use, information concerning the course and opinions of Mr. Van Buren on various subjects indicated in your letter. Having also received letters from other highly respectable citizens of Virginia, containing similar applications, I shall include in the present communication, (which you are at liberty to lay before the public, if you think proper,) a full reply to their queries, as well as to your own. Lest, however, I should be tempted to violate the proprieties which ought to be observed on such occasions, by a citizen of another State, I shall confine myself to a simple statement of facts, without stopping to discuss any question of principle or policy connected with them, but leaving it to those who may do me the honor to read my remarks, to form their own judgment upon every such topic.

The points in respect to which, as I infer from your letter, and from other sources of information, erroneous impressions still prevail in your State, in regard to the conduct and opinions of Mr. Van Buren, and on which you desire to be more fully informed, are—

The part taken by him in relation to the late War with Great Britain:

His course on the Missouri Question, and his opinions in respect to the domestic institutions of the Southern States:

His course and opinions on the subject of the Tariff; and particularly in relation to that of 1828:

His course and opinions in regard to Internal Improvements by the General Government:

And his views in relation to the present Bank of the United States, and the establishment of any similar institution.

I. *The Late War.* The charge of opposition to the late war, was first extensively put forward during Mr. Van Buren's absence from the country, in the hope, probably, that it might assist in breaking the effect of his rejection by the Senate. In its original form, it imputed to him, in broad and unmeasured terms, a general opposition, not only to the measure when adopted, but to its prosecution and support. In this form, however, it was short-lived. His friends in New York readily produced from the legislative records of the State, an array of authentic facts, which proved beyond dispute or cavil that from November, 1812, until the termination of the contest, he had taken a very distinguished part in support of all the war measures adopted by that State. This exposition has not, it seems, been sufficient to silence the imputation altogether; although it has evidently given to it a more qualified character—a character, I am sorry to say, indicative of an unwillingness to withdraw an accusation against a political opponent, however irrefragable the evidence by which it is disproved.

In any form the charge may assume, and to any extent, it is grossly unjust.

The fact most frequently referred to in support of this accusation, and I believe the only one on which much reliance is placed by those who make it, is the support given by Mr. Van Buren in 1812, to Mr. Clinton, as a candidate for the Presidency, in opposition to Mr. Madison. Let me first advert to the circumstances attending this fact, for the purpose of enabling you to decide how far the inferences which have been drawn from it, are well founded. Mr. Van Buren was elected in April, 1812, a member of the Senate of his State, by the republicans of the then Middle District of New York. His legal term of service did not commence until July, 1812, nor his actual service until November following. In the meantime, the republican members of the Legislature of New York, elected in the spring of 1811, had resolved, during their session in the spring of 1812, to meet in convention, for the purpose of nominating a candidate for the Presidency. Their numerical strength in the two Houses, was nearly one hundred. Of this number, eighty-seven met in convention on the 29th of May, 1812, and unanimously nominated Mr. Clinton, who, on being informed of the nomination, accepted it. Mr. Van Buren was not then a member of the Legislature, nor was he in any way connected with these proceedings. He, however, concurred in the propriety of supporting the nomination thus made and accepted; and at the session of the Legislature held in November, 1812, in conjunction with a majority of the republican members of each branch, he took a decided part in the support of Presidential electors, who were voted for as friendly to Mr. Clinton, and who ultimately gave him the vote of the State.

The republicans of the Legislature of 1811-12, who brought forward Mr. Clinton as a candidate, had been themselves nominated and chosen by the republican electors of their several counties and districts, in the manner usually adopted in New York, and were considered the representatives of the democracy of the State. They and their constituents had supported the administration of Mr. Jefferson, and that also of Mr. Madison, in all the great questions of public policy connected with our foreign relations. The great mass of them, so far from being opposed to belligerent measures against Great Britain, were in favor of a more decided policy than had been pursued towards her.

In regard to Mr. Van Buren, this was peculiarly the case. There was probably no person in the State, of his own age, who had given a more efficient support to the measures of the General Government, during the whole period of the restrictive system, than himself. His cotemporaries of all parties, in the county of his residence, might be appealed to as witnesses on

this point. He was an open and decided advocate of all the strong measures proposed against Great Britain during the session of Congress of 1811-12, the war included. Having been born and reared in the same town—having been, from July, 1812, until after the peace, an inmate of his family, I am able to speak on this subject, from personal knowledge. No man of character, acquainted with his course and opinions in 1812, will venture to assert that he ever expressed a doubt as to the justice of the war, or the expediency of engaging in it at the time it was declared.

In supporting the nomination of Mr. Clinton, Mr. Van Buren consulted what he believed to be the wishes of the republicans of his State. His efforts, however, were confined to New York. With those made by the friends of Mr. Clinton, in other States, he had no concern. And though, in the choice of electors, Mr. Clinton ultimately received the votes of the federal members of the legislature of New York, and was also supported by that party in other States, Mr. Van Buren's relations to it were entirely unaltered. The hostility towards him of the federalists, as a party, in the county in which he then resided, was as decided and as violent, during the year 1812, as it had been before, or was afterwards. Indeed, it has never been withdrawn, nor suspended, from the commencement of his political career to the present day. Occasional exceptions might be made in regard to individuals, but not enough to vary the general result.

Upon the whole, it is submitted to the judgment of intelligent and candid men, that whether the support of Mr. Clinton was right or wrong, there is nothing in the mere fact of that support, under the circumstances stated, to sustain the imputation of opposition to the war.

Let me now give you a summary of Mr. Van Buren's public course in the Legislature of New York, so far as it bears upon this point. As has been stated, he took his seat in the Senate of New York, in November, 1812.

Until the adoption of the new constitution in 1821, the Governor, instead of a message, delivered a speech to the Legislature, at the opening of each session. An answer was made to this speech, by each House, in which the views of the majority upon the prominent political questions of the day, were set forth, and thus made the subject of discussion, before any legislative measures in respect to them was matured. Committees were appointed to prepare the answer, a majority of whom would, it was supposed, be most able and willing to present faithfully the views of the majority of their respective houses, and the strongest man of the minority was usually selected to offer a substitute. Although this was Mr. Van Buren's first appearance in any legislative body, he being, with perhaps a single exception, the youngest man that had, up to that time, been elected to the Senate, he was placed upon the committee, and prepared and reported the answer to the Governor's speech. This answer was published by his friends on the occasion referred to. It vindicated the justice of the war, and urged a vigorous prosecution of it. This, you will observe, was at the very session at which electors were chosen friendly to Mr. Clinton.

At the ensuing session of the Legislature, which commenced in January, 1813, the political relations previously existing between Mr. Clinton and Mr. Van Buren were dissolved, and never again resumed. The disastrous results of the preceding year had then begun to press heavily on the country, and especially on the State of New York. Her course in respect to the war became, therefore, a matter of the first importance. Mr. Van Buren, from the commencement of his legislative career, gave to all war measures the most decided and vigorous support; independently of his speeches and votes on the floor of the Senate, he took a leading part in the renomination of Governor Tompkins, and was appointed by the meeting to prepare an address to the republican electors in support of this nomination. In this paper he went at large into the causes and grounds of the war; and vindicated with much force of reasoning, and with all the fervor of youthful patriotism, the indispensable duty and high justice of the measure. In the recent compilation of Mr. Emmons, which you may have seen, you may find copious extracts from this address; no man, I think, can read them without a deep conviction of the writer's sincerity and zeal.

In April, 1813, Governor Tompkins was re-elected; but the federalists obtained a majority of the House of Assembly. During the next session of the Legislature, which commenced in January, 1814, Mr. Van Buren was again conspicuous in support of the war, and as the popular branch was in the hands of the opposition, the course of the Senate became doubly important. He assisted in carrying through the Senate several measures intended to aid the General Government in the prosecution of the war, which were rejected by the other House; and in the public conferences to which these differences between the two Houses led, he was one of the principal speakers on the part of the Senate. At the special session of the Legislature of New York, held in September, 1814, his efforts, though not more zealous, were more efficient and useful—the democratic party having in the mean time regained their ascendancy in the Assembly. This session had been convened by Executive proclamation, in consequence of the new character which had been given to the war during the year, and of the exposed condition of the State. The answer of the Senate to the speech of the Governor, again prepared by him as chairman of the committee, and which you will also find in the compilation of Mr. Emmons, reaffirmed the justice of the contest on our part, adverted to the eventful nature of the crisis, its dangers, and its duties, and pledged to the State and the Union the active co-operation of the Senate. I think, on perusing it, you will agree that it was in keeping with the character and exigency of the times.

During this special session, Mr. Van Buren matured, brought forward, and defended in debate, several war measures of the strongest character. Of these the most prominent was "An act to authorize the raising of troops for the defence of the State," which passed both Houses, and being approved by the Governor, became a law on the 21th of October, 1814. It authorized the Governor to place at the disposal of the General Government 12,000 men for two years, to be raised by suitable classifications of the militia of the State, but with such improvements in its details as to avoid many of the inequalities and other objectionable features of the former system of militia drafts. This law has been truly characterized by Col. Benton, in his late letter to the Committee of the Mississippi Convention, "as the most energetic war measure ever adopted in this country." In the Legislature it encountered the most strenuous opposition, which was continued after the adjournment of that body, and until the restoration of peace. A copy of it was, very soon after its introduction, delivered to Mr. Monroe, then Secretary of War, and it would seem to have suggested to that gentleman some portion of the plan submitted by him to Congress, in his report of the 15th of October, 1814.

At the ensuing session of the Legislature, which commenced in January, 1815, Mr. Van Buren again took the lead in support of the war, and was actually engaged, as chairman of a committee appointed on his motion to consider whether any additional provisions were necessary to carry the classification law into immediate and successful operation, in the deliberations of that committee, when the news of peace was received at the seat of government.*

Other particulars might be mentioned, but it is believed that those which have been stated are abundantly sufficient to enable you to decide on the accuracy and fairness of the charge under review.

II. *The Missouri question* was finally disposed of before Mr. Van Buren entered Congress; he, of course, had no participation in the proceedings of that body on the subject. But to implicate him in the discredit which, in the south, has attached itself to those proceedings, his opponents have referred, so far as my observation has extended, to three acts, in which he, in a greater or less degree, participated, viz: the proceedings of a meeting of the citizens of Albany, which was held upon that subject; certain resolutions of the Legislature of New York, of which he was a member; and his support of the late Rufus King, for the office of United States Senator.

In the former of these matters, they charge him to have been the chief actor—with what propriety let the following brief statement of facts determine: On the 14th of December, 1819, a meeting of the citizens of Albany was held to consider the propriety of restricting the extension of slavery west of the Mississippi: Mr. Van Buren had no agency in originating this meeting, and did not attend it. No step was taken by the meeting, except to appoint a committee, consisting of gentlemen belonging to each of the political parties by which the State was then divided, (the friends and the opponents of the administration of Gov. Clinton,) to convene a future and more general meeting. Mr. Van Buren's name was placed on the committee, and on being subsequently applied to, he consented that his name might be used for that purpose. A meeting was called for the 21st of the same month, but Mr. Van Buren being on that day absent from the city on professional business, had no further connection with the meeting or its proceedings. A series of resolutions was adopted by the meeting, expressive of its opinions upon the subject in several aspects; and a committee was appointed to prepare a memorial to Congress, in conformity to the sentiments contained in those resolutions, and to cause the same to be presented to that body in the name and on behalf of the meeting. Mr. Van Buren was also placed on this committee. The memorial was forthwith reported to the meeting, and adopted, and on Mr. Van Buren's return to the city he was invited to co-operate with the highly respectable members of the committee, and to sign the memorial which had been prepared by it. This he refused to do. He sincerely deprecated the existence of slavery in the United States, and was willing to concur in any measure to prevent its extension west of the Mississippi consistent with the constitution, and not calculated to disturb the settlement of the question of slavery made by that instrument, nor to endanger the rights and securities of slave owners. But he was not willing to unite in any course of proceedings from which such results might reasonably be apprehended, nor to join in any denunciation, political or otherwise, against the people of the south. Notwithstanding his great personal respect for the other members of the committee, as well as those whose names appeared in the proceedings of the meeting, he could not approve the spirit by which the resolutions adopted by it were characterized. The memorial was therefore sent on without his signature. His refusal to sign it was soon after followed by a correspondence on the subject between the late Henry T. Jones, Esq. a counsellor at law of the city of Albany, (the gentleman who had applied to Mr. Van Buren for the use of his name in calling the meeting,) and Mr. Van Buren. The original letter of Mr. Jones, and the original draught of Mr. Van Buren's reply, are now in my possession. These are in the following words:

* The original draught of the classification law, in the handwriting of Mr. Van Buren, is still on file in the office of the clerk of the Senate of New York, with the following endorsement, also in the handwriting of Mr. Van Buren:

"The original classification bill, to be preserved as a memento of the patriotism, intelligence, and firmness of the legislature of 1814-15. M. V. B. Albany, Feb. 15, 1815."

"ALBANY, January 19, 1820.

To the Hon. M. Van Buren:

SIR: I am informed that you declined signing the resolutions which were sent to Washington, upon the subject of the Missouri question, upon the ground that you never authorized your name to be used as one of the committee on that occasion.

Before any steps were taken on the subject, I called upon you myself, to learn if you was willing to be one of that committee. You replied that you was so much occupied, that you could not attend to it—I remarked that there were enough to do the business, and that we only wished for your name—in answer to which you observed, that you had no objection to our making use of your name. If you have forgotten this conversation, Mr. Duer, who was present, will be undoubtedly able to refresh your memory. I think that your refusal to sign your name should have been grounded upon other reasons than want of authority to use it.

You must be sensible, sir, that I care nothing about this affair, any further than that it places me in an unpleasant situation; and I presume, in justice to me, you will retract the assertion, that you did not authorize the use of your name.

Respectfully yours, &c.

HENRY T. JONES.

P. S.—I should call on you, but you are so occupied, that it is difficult to find you disengaged."

"January 20, 1820.

SIR: You had my permission to use my name as a committee to call a meeting of our citizens to express their opinion on the Missouri question, and the propriety of your doing so has not been questioned by me. You surely cannot suppose that the use of my name for that purpose imposed on me an obligation to sign whatever memorial might be agreed upon by the meeting. Being out of town when it was held, and having had no hand in forming or adopting the memorial, I declined signing it. My reasons for doing so, further than you are concerned in calling the meeting, I presume it is not your intention to inquire into.

Yours respectfully,

M. V. BUREN.

HENRY T. JONES, Esq."

These are the facts in regard to the Albany meeting. I leave you to judge of the measure of justice which has been extended to Mr. Van Buren, by the statements on the subject which have been so extensively circulated in your State.

The attention of the Legislature was called to the Missouri case, then under the consideration of Congress, by the message of Governor Clinton at the commencement of the session, and an expression of their opinion in respect to it earnestly recommended. A resolution was introduced in the House of Assembly, by a friend of the State administration, and after undergoing some modification in that body, was adopted by it, by which our Senators were instructed, and our Representatives requested, "to oppose the admission, as a State in the Union, of any territory not comprised within the original boundary of the United States, without making the prohibition of slavery therein an indispensable condition of admission."

The resolution was then sent to the Senate, of which body Mr. Van Buren was a member, where it was also passed, but without a division or debate. Mr. Van Buren had no agency in bringing the subject before the Legislature. He was, however, in his place when it passed, and did not oppose it, and must, therefore, undoubtedly, be regarded as having gone with his State, at the time it was adopted, to the extent of the expression thus made by the Legislature.

In regard to Mr. Van Buren's support of Mr. King for United States Senator in 1820, it has been already truly stated by Mr. Ritchie, in the Enquirer, that it had no reference whatever to the Missouri question. To enable you to understand correctly the circumstances connected with this point, I must give you a brief reference to the local politics of New York. The Legislature was then divided into three parties—the federalists, the republicans friendly to the administration of Governor Clinton, and the republicans friendly to the administration of the General Government, but opposed to that of Governor Clinton. Of this latter party, Mr. Van Buren was, and had been for years, a prominent member. Several attempts were made in the session of 1819, to elect a Senator. But as three candidates were voted for, Mr. King by the federalists, Mr. J. C. Spencer by the friends, and Mr. S. Young by the opponents, of Governor Clinton, and as each party adhered to its own candidate, these attempts were unsuccessful. At the next session of the Legislature, in January, 1820, all parties united in the support of Mr. King. Col. Young, who had been supported the previous year by Mr. Van Buren, and who was himself a member of the State Senate, withdrew his name, and united in support of Mr. King. That gentleman, accordingly, received every vote in the Senate, and all but three in the popular branch. So far as Mr. Van Buren was concerned in this matter, his reasons are on record. Before the meeting of the Legislature he addressed a communication, published in pamphlet form, to his political friends in that body, advising them to vote for Mr.

King, and stating without reserve his reasons for such advice. This appeal was extensively circulated at the time, and a copy of it has recently been transmitted to Mr. Ritchie. You will find by referring to it, that its support of Mr. King was in no way connected with the Missouri question; and that although, many of the arguments urged by it in favor of electing Mr. King, were of a general nature, some of them were founded on considerations growing out of the local divisions then existing in New York, and one of the strongest, on the very zealous and efficient support given by him to Governor Tompkins and the country, at the most gloomy period of the war.

Mr. Van Buren's opinions in regard to the power of Congress over the relation of master and slave in the States, and to the expediency of agitating in Congress the question of the abolition of slavery in the District of Columbia, have already been stated in a letter from a friend of his, recently published in the Richmond Enquirer. In a word, the opinions of Mr. Van Buren in regard to these two points, are in unison with those of the great mass of the intelligent and reflecting people of the middle and eastern States. And I take this occasion to vindicate, not only Mr. Van Buren, but my fellow citizens of all parties in the north, from the injustice which I fear is too often done them in your quarter of the Union, in reference to these points. So far as my knowledge of the subject enables me to speak, the great mass of our people, including all our leading politicians, entertain the like sentiments with those above stated. Many facts might be referred to in support of this statement. I have only time and room for two or three. In a letter written by Mr. Webster, in May, 1830, in reply to a communication addressed to him by John Bolton, Esq. "for the very purpose of eliciting evidence of northern sentiment on this subject, Mr. Webster says: "In my opinion, the domestic slavery of the southern States is a subject within the exclusive control of the States themselves; and this, I am sure, is the opinion of the whole north. Congress has no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the States. This was so resolved by the House of Representatives, when Congress sat in this city, (New York,) in 1790, on the report of a committee, consisting almost entirely of northern members; and I do not know an instance of the expression of a different opinion in either House of Congress since; I cannot say particular individuals might not possibly be found who suppose that Congress may possess some power over the subject; but I do not know any such persons, and if there be any I am sure they are few. The servitude of so great a portion of population of the south is, undoubtedly, regarded at the north as a great evil, moral and political; and the discussions upon it which have recently taken place in the Legislatures of the several slave-holding States, have been read with very deep interest. It is regarded, nevertheless, as an evil, the remedy for which lies with those Legislatures themselves, to be provided and applied according to *their* own sense of policy and duty. The imputations which you say, and say truly, are constantly made against the north, are, in my opinion, entirely destitute of any just foundation." If it be even admitted, that there are more persons at the north, who claim that Congress possess some power upon the subject, than Mr. Webster supposed, still I have not the slightest doubt but the substantial, operative, and controlling sentiment of the north is such as he described it. Among the political party with which I have always been associated, I hazard nothing in saying, that there exists the greatest unanimity. There is, therefore, no ground for apprehension upon this point.

In regard to the other branch of the subject, (the question of abolition in the District of Columbia,) the ease is substantially the same, though its nature is entirely different. It is true that petitions from the North have, for several sessions, been presented to Congress, praying for the abolition of slavery in the District; and I am aware how much you apprehend from this mode of agitating the subject. But I submit to you, whether the course which has hitherto been pursued in respect to those applications, is not sufficient to counteract whatever effect their presentation may have produced. One or two facts will place the matter in a clear light. When the late President Adams, in 1832, presented to the House of Representatives several petitions which had been committed to his charge, asking, amongst other things, for the abolition of slavery in the District of Columbia, he expressed his views upon that branch of the petitions, in the following explicit and strong terms: "As to the other prayer of the petitions, the abolition by Congress of slavery in the District of Columbia, it had occurred to him that the petitions might have been committed to his charge, under the expectation that it would receive his countenance and support. He deemed it, therefore, his duty to declare that it would not. Whatever might be his opinion of slavery in the abstract, or of slavery in the District of Columbia, it was a subject which he hoped would not be discussed in that House; if it should be, he might perhaps assign the reason why he could give it no countenance or support. At present, he would only say to the House, and to the worthy citizens who had committed their petition to his charge, that the most salutary medicines, unduly administered, were the most deadly of poisons."

The petitions were referred to the Committee on the District, who reported against any interference, until the wisdom of the State Governments shall have devised some practicable means of diminishing or eradicating the evil complained of. This report was adopted by the House, without a division. I pass over the interval between that period and the last session, without other notice than simply to remind you, that no ground was taken during that interval, inconsistent with what has been stated. At the last session, a similar

petition presented to the House of Representatives, was ordered to be laid on the table, by a vote of more than two-thirds of the members. In the Senate, a course similar in its results has been invariably pursued. The petitions have been referred, without debate, to the Committee on the District of Columbia, and no further action has been had upon them.

In reference to this whole subject, there is another and still more impressive fact, which ought not to be overlooked. During that crisis of unprecedented political excitement through which we have just passed, although almost every other matter was drawn, by the force of circumstances, into the vortex of party, every question connected with the peculiar institutions and interests of the South was kept out of it, apparently by common consent; and although the names of several southern gentlemen have, during the present canvass, been brought before the public as candidates for the Presidency, and their respective merits more or less discussed, I am yet to see the first instance in which their supposed opinions upon this point, have been made at the North the subject of observation. Do not these facts, my dear sir, when taken in connection with other indications of popular sentiment, which will readily occur to you, afford the strongest evidence of the considerate and liberal spirit with which the great body of the people of the North are disposed to deal with this delicate subject? I am not insensible to the deep interest which you so naturally take in it, nor wanting in respect to that degree of sensitiveness, which, I am free to admit, is, in some degree inseparable from your condition. But in view of the facts which have been stated, may it not be suggested that the liberality and forbearance of the reflecting portion of our Northern population, ought to be met, in a corresponding temper, by their brethren of the South; and that in this way good men on both sides, acting for their country, and practising reciprocal forbearance, may prevent any serious detriment to the harmony and permanence of our political confederacy?

III. *The Tariff.* Mr. Van Buren's views upon the subject of the Tariff were stated without reserve, when a candidate for the Vice Presidency, in October, 1832, in a letter to a committee appointed by a public meeting at Shoeco Springs, North Carolina. In that letter he thus expressed himself—and nothing has since occurred to change the opinions he then entertained:

"Although my official acts in relation to the protective system might well be regarded as rendering the avowal unnecessary, I think it, nevertheless, proper to say, that I believe the establishment of commercial regulations, with a view to the encouragement of domestic products, to be within the constitutional power of Congress. Whilst, however, I entertain this opinion, it has never been my wish to see the power in question exercised with an oppressive inequality upon any portion of our citizens, or for the advantage of one section of the Union at the expense of another; on the contrary, I have at all times believed it to be the sacred duty of those who are entrusted with the administration of the Federal Government, to direct its operations in the manner best calculated to distribute as equally as possible, its burdens and blessings among the several States and the people. My views upon this subject were, several years ago, spread before the people of this State, and have since been widely diffused through the medium of the public press. My object at that time was to invite the attention of my immediate constituents to a dispassionate consideration of the subject in its various bearings; being well assured that such an investigation would bring them to a standard, which, from its moderation and justice, would furnish the best guaranty for the true interests of all. If, as has been supposed, those views have contributed in any degree to produce a state of feeling so much to be desired, I have reason to be gratified with the result.

"The approaching, and if the policy of the present Executive is allowed to prevail, the certain and speedy extinguishment of the national debt, has presented an opportunity for the more equitable adjustment of the Tariff, which has been already embraced by the adoption of a conciliatory measure, the spirit of which will, I doubt not, continue to be cherished by all who are not desirous of advancing their private interest at the sacrifice of those of the public, and who place a just value upon the peace and harmony of the Union.

"The protective system, and its proper adjustment, became a subject of frequent and unnecessary consideration whilst I formed a part of the cabinet; and the manner in which the President proposed to carry into effect the policy in relation to imports, recommended in his previous messages, has since been avowed, with that frankness which belongs to his character. To this end he recommended 'a modification of the Tariff, which should produce a reduction of the revenue to the wants of the Government, and an adjustment of the duty upon imports, with a view to equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as it may be injurious to those interests.'

"In these sentiments I fully concur; and I have been thus explicit in the statement of them, that there may be no room for misapprehension as to my own views upon the subject. A sincere and faithful application of these principles to our legislation, unwarping by private interest or political design; a restriction of the wants of the Government to a simple and economical administration of its affairs—the only administration which is consistent with the purity and stability of the republican system; a preference in encouragement, given to such manufactures as are essential to the national defence, and its extension to others in proportion as they are adapted to our country, and of which the raw material is produced by ourselves; with a proper respect for the rule which demands that all taxes should be imposed in proportion to the ability and condition of the contributors, would, I am convinced, give ultimate satisfaction to a vast majority of the people of the United States, and to arrest that spirit of discontent which is now

unhappily prevalent, and which threatens such extensive injury to the institutions of our country."

Mr. Van Buren's personal feelings have been at all times adverse to the high tariff policy; and while he has always endeavored, in the discharge of his official duties, to carry into effect the wishes of his immediate constituents, he has left no proper occasion unimproved to moderate their demands, and to bring their wishes to the standard spoken of in the above extract. It is not to be doubted that his efforts in this respect have largely contributed to the change of public opinion, which has taken place in his own State, on this interesting subject. In the month of July, 1827, he attended a meeting held in the city of Albany, for the purpose of appointing delegates to attend the Harrisburg Convention; and addressed the meeting on the whole subject, and particularly in explanation of the course previously pursued by himself. This speech, which was published and extensively circulated, ultimately produced great effect on public sentiment in New York. In voting for the tariff law of 1828, he acted in obedience to explicit instructions from the Legislature of his State; and although, as Col. Benton has correctly stated in his late letter, he felt much repugnance to many of the provisions of that bill, he did not feel himself at liberty to disregard the wishes and directions of his constituents. On this point I have only to add, that no man acquainted with public opinion as it then existed in New York, could doubt the actual conformity of the instructions referred to, to the sentiments of the great body of the People. I was myself, at the time, a member of the Assembly, and although I had refused in December, 1827, to sign a memorial to Congress, praying for additional protective duties, which was circulated among my constituents, and very generally signed by them, I was yet so entirely satisfied of the unanimity and zeal with which they had embarked in the effort, that I felt myself bound to vote, and did accordingly vote, for the resolution of instructions. Whether either of us erred, in thus conforming to the wishes of those whose interests were committed to our care, is a point which I am content to leave without comment to your decision.

IV. *Internal Improvements.* The vote given by Mr. Van Buren in favor of the erection of gates upon the Cumberland road, is usually referred to by his opponents in the south, as furnishing the standard of his opinions concerning the powers of the Federal Government upon the subject of Internal Improvements, and is not unfrequently made the subject of the most vehement denunciations. Either from the unexceptionable character of his political career, or from some other cause, it has usually so happened, that in the points in which he has been most bitterly assailed, he has, in the sequel, been found to be least vulnerable. I deceive myself greatly, if such shall not ultimately be the case in the present instance. In a note to a speech delivered by Mr. Van Buren in the Senate of the United States, on the powers of the Vice President, and in which he gives his views at large upon constitutional principles, and condemns, in the strongest terms, the latitudinarian opinions of the then existing administration upon the subject of internal improvements, he thus speaks of the vote in question, and of his official course upon the subject in general:

"Mr. Van Buren is by no means certain that, in this respect, he himself has been altogether without fault. At the very first session after he came into the Senate, the knowledge of the perpetual drain that the Cumberland road was destined to prove upon the public treasury, unless some means were taken to prevent it, and a sincere desire to go, at all times, as far as he could consistently with the constitution, to aid in the improvement and promote the prosperity of the western country, had induced him, without full examination, to vote for a provision authorizing the collection of toll on this road. The affair of the Cumberland road, in respect to its reference to the constitutional powers of this Government, is a matter entirely *sui generis*. It was authorized during the administration of Mr. Jefferson; grew out of the disposition of the territory of the United States through which it passed. He has never heard an explanation of the subject (although it has been a matter of constant reference) that has been satisfactory to his mind. All that he can say is, that if the question were again presented to him, he would vote against it; and that his regret for having done otherwise would be greater, had not Mr. Monroe, much to his credit, put his veto upon the bill; and were it not the only vote in the course of seven years' service, which the most fastidious critic can torture into an inconsistency with the principles which Mr. Van Buren professed to maintain, and in the justice of which he is every day more and more confirmed."—*Note to Mr. Van Buren's speech in relation to the right of the Vice President to call to order, &c.*

No one will doubt, that, if the journals of the Senate for the seven years to which he refers, or for the residue of the period which he served in that body, could show a single other vote inconsistent with the opinion which, upon full examination, he had thus adopted and avowed, it would long since have been forthcoming. The charge of latitudinarian opinions on this point, rests, then, on a single vote, given at the time and under the circumstances stated, and never repeated during his legislative service. What the state of this question was, at the period of General Jackson's accession to the Presidency, and how much has since been done to explode error and correct abuse, is too well understood to require elucidation. From the moment when the Maysville road bill first came under the consideration of the Executive, until the present day, Mr. Van Buren has been a devoted and active supporter of the reforms which President

Jackson has actually effected, and of those he has endeavored to effect, upon this great subject. Whilst a member of his cabinet, as one of his coadjutors and constitutional advisers, and since that connection was dissolved, by all the means which his situation has allowed him to employ, this support has been openly and firmly given. In the letter from Mr. Van Buren to the North Carolina committee, already referred to, his views upon this subject are fully stated by himself:

"Internal improvements are so diversified in their nature, and the possible agency of the Federal Government in their construction so variable in its character and degree, as to render it not a little difficult to lay down any precise rule that will embrace the whole subject. The broadest and best defined division is that which distinguishes between the direct construction of works of internal improvement by the General Government, and pecuniary assistance given by it to such as are undertaken by others. In the former, are included the right to make and establish roads and canals within the States, and the assumption of as much jurisdiction over the territory they may occupy as is necessary to their preservation and use; the latter is restricted to simple grants of money in aid of such works, when made under State authority.

"The Federal Government does not, in my opinion, possess the power first specified; nor can it derive it from the State in which such works are to be constructed. The money power, as it is called, is not so free from difficulty. Various rules have, from time to time, been suggested by those who properly appreciate the importance of precision and certainty in the operations of the Federal power. But they have been so frequently infringed upon by the apparently unavoidable action of the Government, that a final and satisfactory settlement of the question has been prevented. The wide difference between a definition of the power in question upon paper, and its practical application to the operations of Government, has been sensibly felt by all who have been entrusted with the management of public affairs. The whole subject was reviewed in the President's Maysville message. Sincerely believing that the best interests of the whole country; the quiet, not to say the stability, of the Union, and the preservation of that moral force which, perhaps as much as any other, holds it together, imperiously required that the destructive course of legislation upon that subject then prevalent, should, in some proper and constitutional way, be averted, I, throughout, gave to the measure of which that document was an exposition, my active, zealous, and anxious support.

"The opinions declared by the President in the Maysville and his succeeding annual message, as I understand them, are as follows: 1st. That Congress does not possess the power to make and establish a road or canal within a State, with a right of jurisdiction to the extent I have stated; and that if it is the wish of the people that the construction of such works should be undertaken by the Federal Government, a previous amendment of the constitution conferring that power, and defining and restricting its exercise, with reference to the sovereignty of the State, is indispensable. 2d. An intimation of his belief that the right to make appropriations in aid of such internal improvements as are of a national character, has been so generally acted upon, and so long acquiesced in by the Federal and State Governments, and the constituents of each, as to justify its exercise; but that it is, nevertheless, highly expedient that even such appropriations should—with the exception of such as relate to light-houses, beacons, buoys, public piers, and other improvements in the harbors and navigable rivers of the United States, for the security and facility of our foreign commerce—be deferred, at least until the national debt is paid. 3d. That if it be the wish of the People that the agency of the Federal Government should be restricted to the appropriation of money, and extended in that form in aid of such undertakings, when carried on by State authority, then the occasion, the manner, and the extent of the appropriation, should be made the subjects of constitutional regulation.

"In these views I concurred, and I likewise participated in the difficulties which were encountered and expressed by the President, in adopting the principle which concedes to the Federal Government the right to make appropriations in aid of works which might be regarded as of a national character; difficulties which arose as well from the danger of considering mere usage the foundation of the right, as from the extreme uncertainty of the best rule that had ever been adopted, or that could, in the absence of a positive constitutional provision, be established. The reasons on which these objections were founded, are so fully stated in the document referred to, and have been so extensively promulgated, that it is unnecessary for me to repeat them here. Subsequent reflection and experience have confirmed my apprehensions of the injurious consequences which would flow from the resumption of appropriations for internal improvements, with no better rule for the government of Congress than that of which I have spoken; and I do not hesitate to express it as my opinion, that the general and true interests of the country would be best consulted by withholding them, with the exceptions which I have already referred to, until some constitutional regulation upon the subject has been made.

"In this avowal, I am certainly not influenced by feelings of indifference, much less of hostility, to internal improvements. As such, they can have no enemies. I have never omitted to give them all the proper aid in my power, for which, by the way, I claim no particular merit, as I do not believe there is an honest and sane man in the country, who does not wish to see them prosper; but their own construction, and the manner in which, and the means by which, they are to be effected, are quite different questions. Rather than again expose our legislation to all the corrupting influences of those scrambles and combinations in Congress, which have been heretofore witnessed, and the other affairs of the country, to the injurious effects unavoidably resulting from them, it would, in my opinion, be infinitely preferable to leave works of the

character spoken of, and not embraced in the exception which has been pointed out, for the present, to the supports upon which they have reposed with so much success for the last two years, viz: State efforts, and private enterprise. If the great body of the People become convinced that the progress of these works should be accelerated by the Federal arm, they will not refuse to come to some proper constitutional arrangement upon the subject. The supposition that an equitable rule, which pays a proper respect to the interests and condition of the different States, could fail to receive, ultimately, the constitutional sanction, would be doing injustice to the intelligence of the country. By such a settlement of the question, our political system, in addition to the other advantages derived from it, would, in relation to this subject at least, be relieved from those dangerous shocks which spring from diversities of opinion upon constitutional points of deep interest; and, in the meantime, the resources of the country would be best husbanded by being left in the hands of those by whose labor they are produced."

It will be perceived, from the above extract, that in the opinions thus expressed by Mr. Van Buren, he went even beyond the grounds taken in the Maysville message. In that celebrated document, the President expressed an opinion, that appropriations for objects which might be deemed to be of a national character, should, with certain enumerated exceptions, be deferred until the national debt was paid, and that, in the meantime, the occasion, the manner, and extent of such appropriations, should be made the subjects of general regulation by law. Mr. Van Buren, in 1832, went one step further, and declared his opinion that appropriations for improvements, even of this nature, ought to be withheld until an amendment of the constitution, expressly authorizing and regulating them, should be made. In his last message, the President, upon a further view of the whole ground, has also adopted and announced substantially the same conclusion.

V. *The Bank of the United States.* Mr. Van Buren's opinions in regard to the Bank of the United States were expressed in the Senate of the United States, in 1828; repeated in his letter to the Shocco Springs committee, whilst a candidate for the Vice Presidency, and have been so freely uttered by him, that there cannot, I think, be occasion to say much upon that subject. But to close the door to cavil, I state, 1st. That he holds that Congress does not possess the power to establish a National Bank in any of the States of the Union, nor to establish, in such States, the branch of any bank located in the District of Columbia; and, 2d. That he is, therefore, decidedly opposed to the establishment of a National Bank in any of the States; and is also opposed to the establishment of any such bank in the District of Columbia, as unnecessary and inexpedient, and as liable to a great proportion of the abuses which have, in his opinion, been practised by the existing Bank. The most sedulous efforts have been made to propagate the belief, that, in their opposition to the present Bank, Mr. Van Buren and his New York friends have been mainly influenced by the desire of transferring the institution from Philadelphia to New York; or, to use the language of the day, from Chestnut-street to Wall-street; and your State has been a principal theatre for this attempt. Nothing, I assure you, can be more unjust towards Mr. Van Buren and his political friends, than this imputation. I am fully warranted in pronouncing it to be so, by frequent and free personal communications with Mr. V. B.: by all the facts and circumstances which have come to my knowledge since the subject of the Bank has been under discussion. Fortunately for the cause of truth, this matter need not be left to rest alone upon testimony of this character. On the 30th of January, 1834, Mr. Wright, of New York, the personal and political friend of Mr. Van Buren, declared in his place in the Senate of the United States, what he understood to be the opinions of the Democracy of New York upon this head. The concurrence of Mr. Van Buren in these views was freely expressed, and very generally understood by all parties in Congress. The production of any act or declaration of his, or any of his friends in Congress, inconsistent with these opinions, may be safely challenged. But this is not all. In the middle of January, 1834, after the pressure in the money market had become quite severe, and after Mr. Clay's resolutions had been for some days under discussion, and the debate had begun to assume its most exciting character, Mr. Van Buren was informed that a meeting of a few of the business men of the city of New York, composed both of friends and opponents of the existing Bank in that city, had been held at the residence of one of the most respectable citizens, to deliberate upon the existing crisis; and that, under the impression that a bank might be so constituted as to obviate the President's objections, they had ultimately agreed to unite in a memorial to Congress, for a new bank, to be established in the city of New York. These proceedings were announced to Mr. Van Buren by Mr. Thomas Suffern, a highly respectable merchant, and personal and political friend, who had, for a moment, yielded his assent to this plan, in a letter dated the 12th of January, 1834, which was received on the 14th, and replied to the next day. I am enabled to give you a copy of this letter. It will speak for itself:

WASHINGTON, January 15th, 1834.

DEAR SIR: I received last evening your letter of the 12th instant, in which you apprize me of your intention to unite with some of the friends of the present bank, in an application to Congress for the incorporation of a new one, to have its principal seat at New York. I will not conceal from you, my dear sir, my regret that you should have been able to bring your mind to this conclusion. The right to make such an application is

certainly open to all our citizens, and I have surely no disposition to prevent or embarrass its exercise. Those who know me, will not, I am confident, suspect me of such presumption. But, as it has been thought proper to advise me in advance of the contemplated movement, I should be wanting in candor, and I think in duty also, if I left you for a moment uninformed of my sentiments upon this subject. The application of which you speak, could serve no other purpose than to aid the existing Bank in the efforts it is making to obtain an extension of its charter, and to expose the motives of the opponents of the Bank who unite in it, to the imputation (doubtless in the present case an unjust one) of having been influenced in their opposition by selfish motives. Of this, I have not the slightest doubt. And without having communicated with the members, or laying claim to information that is not open to all attentive observers, I cannot hesitate in believing, that it would be impossible to obtain a dozen votes in favor of such a proposition, in both branches of the National Legislature. At all events, I think it proper to say to you, that it could not receive either countenance or support from me. I could not act otherwise, without a departure from principles which I sincerely entertain, which have been avowed to the people before my election, and which I feel to be a sacred duty to maintain inviolate.

It is not possible that any one could take a deeper interest in the welfare of your city, or feel more pride in its unexampled success and present prosperity, than I do. All that I can in future with propriety accomplish to carry it forward to that still greater elevation which is its unavoidable destiny, I stand ready to perform. The support of the proposed measure is not of that character, and will not, I am persuaded, upon reflection, be desired at my hands, either by yourself, or by the great body of your citizens. I have formed a very erroneous estimate of the friends of the Administration in New York, amongst whom, with great pleasure, I recognise yourself; if, upon a full view of the circumstances, they can be induced to bring in question, in this way, the purity and disinterestedness of the stand which they have so nobly taken in support of the President, in his patriotic efforts to rid the country of an institution so formidable and dangerous, and which is obviously seeking to make an issue of power between its government, and that which the people have established.

I am, my dear sir, very cordially yours,
M. VAN BUREN.

The sentiments contained in his answer to Mr. Suffern, were avowed in conversation by Mr. Van Buren without reserve. Understanding from Col. Benton, during the debate on Mr. Clay's resolutions, that attempts had been made to impress him with the belief, that Mr. Van Buren and the New York delegation entertained the selfish views of which I am speaking, the Vice President forthwith placed in his hands a copy of his letter to Mr. Suffern, with permission to show it to whomsoever he pleased. Before quitting this subject, it is due to Mr. Suffern, and the few political friends who acted with him, to state that, having begun to doubt the propriety of the step they were about taking, they had, before the receipt of Mr. Van Buren's letter, suspended all further proceedings, and that they ultimately abandoned it entirely; and have ever since, so far as I can learn, been among the decided opponents of any National Bank.

Having thus given you the facts upon the several points mentioned in your letter, and in the other communications addressed to me, I have only to add, that I have the honor to be, with great respect, your obedient servant.

Extract from a speech delivered by MARTIN VAN BUREN, in the Senate of the United States, in 1827, on the right of the Vice President to call to order for words spoken in debate.

In every point of view, said Mr. Van Buren, in which this subject had presented itself to his mind, it had produced but one sentiment, and that was unqualified opposition to the prerogative claimed for the Chair. Although this claim of power is now, for the first time made, the principle in which it originates is as old as the Government itself. I look upon it, sir, as the legitimate offspring of a school of politics, which has, in times past, agitated and greatly disturbed this country—of a school, the leading principles of which may be traced to that great source of the political contentions which have pervaded every country where the rights of man were in any degree respected. I allude, sir, to that collision which seems to be inseparable from the nature of man, between the rights of the few and the many—to those never-ceasing conflicts between the advocates of the enlargement and concentration of power on the one hand, and its limitation and distribution on the other. Conflicts which, in England, created the distinction between Whigs and Tories: the latter striving by all the means within their reach to increase the influence and dominion of the throne, at the expense of the common people; and the former to counteract the exertions of their adversaries, by abridging that dominion and influence for the advancement of the rights and the consequent amelioration of the condition of the people.

Collisions of opinion and of action of a character similar in principle have existed, although under different denominations, with different limits, and for different ends, in most countries and in an eminent degree in this. Indeed the story of the struggles, the contests, the alternating victories and defeat of these two restless and rival principles, is the history of all republican governments—in fact, of all institutions formed for the protection of the liberty of conscience and opinion, and the freedom of the citizen. No where can its operation be more distinctly traced than in our own early history. They were the primitive elements, and animating causes of those Whig and Tory parties, which, from the first Congress of 1755, down to the glorious peace of 1783, on the one hand labored unceasingly to consolidate all legislative authority over these provinces in the single British Parliament, and to place all patronage, power, and influence, in the hands of the executive and judicial representatives of the *Crown*; and on the other hand, as boldly and perseveringly, but happily more successfully, vindicated by reason, eloquence, and finally by arms, the rights of the several American States, and the just powers of the immediate representatives of the *people*. The establishment of our independence put an end to these conflicts, in the form in which they had before been sustained; but what its effect was upon the spirit that produced them, could be better judged from an attentive consideration of our subsequent history. Attempts, said Mr. Van Buren, have frequently been made in latter days, and recently by the highest authority in the Government,* to trace the origin of the two great political parties which have divided the country, from the adoption of the constitution to the present day. They have, for motives too obvious to require explanation, been attributed to causes which have either become obsolete, or been compromised by mutual concession—such as the early difficulties growing out of our relations with Great Britain and France, the expediency of a navy, or similar questions. There was one consideration, he said, that could not fail to arrest the attention of the most superficial observer. It was this. If these party divisions have sprung from no other cause than the temporary circumstances to which they have been attributed, why have they so long survived the cause that produced them? That they still exist, and exist in full vigor, in a great portion of the Union, it would be an insult to our observation and understanding to deny. The explanation of the mystery was to be found, and to be found only, in the falsity of the ascription. They arose from other and very different causes. They are, in truth, said he, mainly to be ascribed to the struggle between the two opposing principles that have been in active operation in this country from the closing scenes of the revolutionary war to the present day—the one, seeking to absorb, as far as practicable, all power from its legitimate sources, and to condense it in a single head: The other, an antagonist principle, laboring as assiduously to resist the encroachments, and limit the extent of executive authority. *The former has grown out of a deep and settled distrust of the People and of the States.* It consequently regards as gain, every thing that can be drawn into the vortex of Federal power, and as making that power still more safe in proportion as it is withdrawn from the popular departments of the Federal government to those that are further removed from the control of public sentiment. *The antagonist principle has its origin in a jealousy of power, justified by all human experience.* It is founded on the assumption the disposition of man to abuse delegated authority is inherent and incorrigible; it seeks its only security in the limitation and distribution of those trusts which the verities of government requires to be reposed somewhere. Hence the aversion of porters to grant more power than is indispensably necessary for the objects of society, their desire, as an additional safeguard, to place that which is conferred in as man is consistent with efficiency. The former is essentially the *monarchical*, and the latter the *democratical* spirit of society. He wished not to be misunderstood. He used the more expressive of his meaning, than any that occurred to him. He had no idea even the great body of those who either now, or in times past, had been subject to the influence of the first principle, were in favor of the establishment of a monarchy in this country. He more than he believed that those who had shown their preference for democracy were in favor of the establishment of an absolute democracy—neither side was exclusive. The forms of both were repudiated, while their respective spirit, to a considerable extent, retained. The earlier battles upon this cardinal point were upon the question of the degree of *energy*, or, in other words, *power*, that ought to be vested in the Federal Government, at the expense of the States and the people. They commenced in 1787, and soon spread through the great body of the people, upon the subject of the constitution. The proceedings of that convention were for a long time the subject of discussion to the public. In them, when taken in connection with later events, and with subsequent political dissensions, in language so plain that none could be blind can be deceived. There were, of course, different degrees of opinion. The leading division in the convention was between those who, desiring to preserve the States in their original powers, that those of the new Government might be limited, and those who, who, on their part, distrustful, perhaps jealous, of the States, and possessing full confidence in those of the Federal Government, were of opinion that it was not indispensably necessary to enable the Federal Government

limited duties to be imposed upon it. The contest was animated, and, as it is well known, more than once threatened a dissolution of the convention, without agreeing upon any thing. Necessity, however, ultimately compelled a compromise. The terms were arranged as well as practicable. The then friends of State rights, (the true *federalists*, but who, by a singular misnomer, were immediately after called *anti-federalists*, whilst those who had throughout opposed the federal principle, assumed the then more popular name of *federalists*,) succeeded, or thought they succeeded, in saving much of what they had so earnestly contended for. The advocates of what was, in the language of the day, called a strong *General Government*, certainly failed in obtaining by express grant, or necessary implication, much of what they had so long and so ably struggled to acquire for the new Government. The question of ratification came on, and was full of difficulty. The abuses to which some of the more general provisions of the constitution might be exposed, were pointed out by its opponents. The concealed powers of the constitution, which are at this day put forth with so much confidence, were disclaimed and condemned by those who advocated the ratification. No candid and well informed man will, for a moment contend that if the powers now claimed for this Government had been avowed at the time, or even had not been expressly disclaimed, there would have been the slightest chance for the adoption of the constitution by the requisite number of the old thirteen States.*

But it was ratified, said Mr. V. B. *and from the moment of its adoption to the present day, the spirit he had described, had been at work to obtain by construction what was not included or intended to be included in the grant.* It was far from his intention to urge this as a reproach against the actors in those scenes. He was persuaded that the motives of many, if not all, were pure, and even patriotic. They believed that the State Governments were not safe depositories of power: that the States would be able to control, and would injuriously control, the Federal Government, unless it had more power than the convention of 1787 was willing to grant. They thought, and one of them with that ingenuousness of feeling which distinguished his noble nature, avowed officially, that the true question was, not what the framers of the constitution intended, or what those by whom it was ratified understood, but what was the correct construction of the terms in which it was expressed. This great man knew well that the power then claimed for the Government, could be sustained on no other grounds, and he was always above disguise.

I am not, said Mr. V. B. condemning their motives, but controverting their opinions. The test that was then applied to the constitution, has been adjudged erroneous and unjust, by the judges in the last resort—the *people themselves*. The belief (no doubt honestly entertained by many) that its application was necessary to the success of the scheme, and to the welfare of the country, was founded in impressions as to the character of the State Governments, which experience has demonstrated to have been unfounded. Many of the most distinguished of those who then entertained those opinions, have since abandoned them, convinced by the results of that experiment which has since been made. Fifty years' experience of the operation of the State Governments, has made "assurance doubly sure," that they richly deserve the confidence which the people have ever been inclined to bestow on them. Under the broad shield of State laws, private rights have been protected, while public prosperity was promoted. In the darkest hours of war, when the General Government was disheartened and enfeebled by debt and disaster, its unnerved arm was strengthened, and the national honor rescued, by the authority, the patriotism, and the credit of the States. In peace, they have not only fulfilled wisely and justly all the great purposes of self-government, but several of them have established noble systems of public instruction, or have accomplished or are now accomplishing great works of internal improvement, as far surpassing in magnitude and utility, any similar works of the General Government, as they do in wisdom of plan, and economy and judgment in execution. *A general surrender of such opinions, is, therefore, at this time, a tribute justly due to the redeemed and established character of the State Governments.* But they are not surrendered—on the contrary, they have become more and more extravagant, until those under whose protection they now are, claim for this Government powers which were in express terms repudiated and denounced by the founders of this very school.

Mr. V. B. said, he would not feel himself at liberty to detain the Senate by following the track of the Government in its whole extent, and through all its sinuosities to establish his

* It is within the recollection of the Senate, that one of the then surviving members of the convention of 1787, (the late Mr. King,) towards the close of his long and useful public life, declared on the floor of the Senate, that the framers of the constitution never contemplated the exercise of such powers by the Federal Government, as were now claimed for it upon the subject of Internal Improvements, and that, had it been supposed that such powers were conferred, the constitution never could have been ratified.

An anecdote is related of the late Gouverneur Morris, a conspicuous and efficient member of the convention, and great latitudinarian, which is entitled to credit, from its being so strikingly characteristic of the man. Being at the city of New York, a short time after the ratification by the requisite number of States was known, he was congratulated upon the successful termination of their labors in the establishment of a constitution that would realize all the great objects of its framers. "*That depends upon how it is construed,*" was, at that early day, when no question of construction could by possibility have arisen, his pregnant reply.

positions, but he could not avoid doing so in part. The subject was one of deep interest, of which it behooved the American people to be fully informed, but which it was to be feared is more spoken of than understood. The mass of our people are so much engrossed in the affairs of their State Governments, that this great matter is in no inconsiderable degree neglected.

During the administration of General Washington, no acts of a strong character took place, save the incorporation of the Bank of the United States, that great *pioneer* of constitutional encroachments, together with the principles avowed in relation to the treaty-making power. The attachment of Gen. Washington to the constitution, his consciousness of the difficulty which had attended its establishment, and the natural moderation of his character, coming in aid of the firm countenance maintained by the anti-federalists of that day, kept the spirit of encroachment and construction within bounds, that, compared with its present character, were reasonable. But in the administration succeeding that of General Washington, continuing through the years of 1797, '98, '99, it displayed itself in its true and most odious character. Its fruits were so bitter, and are so well remembered, that any thing like a minute description of them would be an act of supererogation. It was then that the monarchical and aristocratical character of the spirit he had described, was displayed in unceasing efforts to wrest from the States, the powers that justly belonged to them, to exercise such as had never been conferred, and to concentrate, as far as practicable, all authority in the hands of the President.

Among the usurpations of the day, the alien and sedition laws stand in bold relief, not only as furnishing land marks of the extent to which the presumption and arrogance of power dared to go, but also on account of their agency, in driving from public confidence those by whom they were adopted. The inclination to draw the powers of the Government to one common focus, has been otherwise exemplified in various ways, and at different periods of our history. Time would only allow a brief notice of one or two of them.

The doctrine announced in the discussions on the British treaty, that the House of Representatives were bound to make all appropriations necessary to carry into effect the stipulations of a treaty made by the President and Senate, was a striking exemplification of this truth. The extent to which this doctrine increases the Executive power, (in its most enlarged sense,) over the funds of the nation, cannot fail to strike the mind at the first blush. He did not wish to be understood as saying, or insinuating, that all who advocated that opinion were influenced by the spirit of which he had spoken. He did not believe that such was the case. On the contrary, he was well satisfied that there were those on that occasion, as well as on that of the incorporation of the Bank of the United States, (and especially him who was at the head of affairs,) who were sincere friends to the State Governments, but were led away by the pressure of the times, and gave their assent to measures which, under more auspicious circumstances, they could not have approved. The principle then avowed was resisted by the republicans of that day, on the simple but intelligible grounds that, so far as the treaty stipulation could be carried into effect without the aid of the House of Representatives, its interference would be unauthorized, because, by the constitution, the treaty-making power had been conferred on a different department of the Government; but that whenever the action of the House of Representatives, the more immediate agents of the people, was necessary, it must be free to give or withhold its assent, according to its best judgment, and upon its own responsibility; that the constitution neither declared nor intended, that in cases which might be of the greatest magnitude, it should be a mere machine to be worked by the other departments of the Government. The same disposition to limit the powers of the popular branch was forcibly illustrated in the discussions on the "*foreign intercourse bill*" in 1798. It was upon that occasion contended, and successfully too, that the House of Representatives had no discretion upon the question of appropriation for the expenses of such intercourse with foreign nations as the President saw fit to establish; that they would be justly obnoxious to the imputation of gross delinquency, if they hesitated to make provision for the salaries of such foreign ministers as the President, with the assent of the Senate, should appoint. What would be the feelings of real and unchanged republicans, in relation to such doctrines at this day. Associated with them was the bold avowal, that it belonged to the President alone to decide upon the propriety of the mission, and that all the constitutional agency which the Senate could of right have, was to pass on the fitness of the individuals selected as ministers. It was pretensions like these, said Mr. Van Buren, aided by unceasing indications, both in the internal and external movements of the Government, that produced a deep and settled conviction in the public mind, that a design had been conceived to change the Government from its simple and republican form, to one, if not monarchical, at least too *energetic* for the temper of the American people—a conviction which, beyond all doubt, produced the civil revolution of 1800, and for which no "obvious antidote" has been yet discovered by those who were its victims. By that great event, the public sentiment was improved, our public councils purified, the spirit of encroachment severely rebuked, and it was then hoped extinguished forever. During Mr. Jefferson's administration, and, with a single exception, that of Mr. Madison, the Government was administered upon the principles which the framers of the constitution avowed, and which their constituents had ratified, and the people once again confirmed. The charter of the Bank of the United States was, after a hard struggle, suffered to expire; and the conceded and well understood powers of the Government were found amply sufficient to enable it to perform the great functions for which it was instituted. During a great portion of the time the country was blessed with a degree of prosperity and happiness without a parallel in the

world. At the close of Mr. Madison's administration a new bank was incorporated, and received his reluctant assent. It would be shutting our eyes to the truth to deny, or attempt to conceal, the fact, that that assent, coming from the quarter that it did, has had a most powerful and far from salutary influence on the subsequent course of the Government. Its author had himself, on a former occasion, demonstrated the want of power in the Federal Government to incorporate a bank, and his assent was now placed on the express ground that the recognition of the authority of the Government, in relation to the old bank, by the State Governments and the courts, as well as the people, had precluded the question of constitutionality. Thus the power in question must stand as a successful interpolation upon the text of the constitution. This great precursor was again followed by other attempts, but of a restricted and qualified character, to extend the same principle to other topics of legislation. They were, however, promptly defeated by Mr. Madison, who, upon all points, save the Bank of the United States, preserved inviolate the great principles upon which the revolution of 1800 was founded, and of which his own report upon the alien and sedition laws was the exposition. For his departure, in that particular, (if a departure it was,) his reasons have been seen. It is not, at this time, my official duty to pass upon their sufficiency; and I am wholly unwilling to volunteer a denunciation of any opinion, deliberately formed, and upon high responsibility, by one of the most, if not *the* most, accomplished statesmen that our country has produced. However individuals might differ as to the correctness of his conclusion, all mankind must acquiesce in the purity of the motives which led to its adoption. The political condition of the country at the close of the late war, in reference to old party distinctions, speculations as to the future, and the aspirations of individual ambition, accompanied, in many cases, by a sincere desire to promote the public good, produced occasional attempts during the administration that followed, to revive in a form less exceptionable, the doctrine that had already been so emphatically condemned by the people. They were, however, in a great degree, restrained and kept down by the resistance of the remnant of the faithful, and the qualified opposition of Mr. Monroe.*

But if these attempts, said Mr. V. B. to revive the condemned heresies of former times, were not of themselves successful, they served the purpose of giving countenance to pretensions on the part of men now in power, which out-Herod Herod. The opening scenes of the present administration have not only been the subjects of intense interest in their day, but will mark an interesting era in our future history. They will stand as a beacon to succeeding administrations, warning them of the point beyond which the people will never tolerate encroachment upon the great charter of their liberties. The present Executive, in his exposition of the constitutional powers of this Government, has gone far beyond the utmost latitude of construction heretofore claimed,† as to give point to his extravagant pretensions—to demonstrate that the

* Mr. Van Buren is by no means certain that in this respect he himself has been altogether without fault. At the very first session he came into the Senate, the knowledge of the perpetual drain that the Cumberland road was destined to prove upon the public Treasury, unless some means were taken to prevent it, and a sincere desire to go at all times, as far as he could consistently with the constitution, to aid in the improvement and promote the prosperity of the western country, had induced him, without full examination, to vote for a provision authorizing the collection of toll on the road. The affair of the Cumberland road, in respect to its reference to the constitutional powers of this Government, is a matter entirely *sui generis*. It was authorized during the administration of Mr. Jefferson, grew out of the disposition of the territory of the United States, and had the consent of the States through which it passed. He has never heard an explanation of the subject (although it has been a matter of constant reference) that has been satisfactory to his mind. All he can say is, that if the question were again presented to him, he would vote against it; and that his regret for having done otherwise would be greater had not Mr. Monroe, much to his credit, put his veto upon the bill, and were there, as far as he knows, the only vote, in the course of a seven years' service, which the most fastidious critic can venture into an inconsistency with the principles which Mr. V. B. professed to maintain, and in the justice of which he is every day more and more confirmed.

† Mr. Adams's OHIO LETTER DURING THE CANVASS OF 1821.

"The question of the power of Congress to authorize the making of internal improvements is, in other words, a question whether the People of this Union, in forming their common social compact, as avowedly for the purpose of promoting their general welfare, have performed their work in a manner so ineffably stupid as to deny themselves the means of bettering their own condition. I have too much respect for the intellect of my country to believe it. *The first object of human association is the improvement of the condition of the associated. Roads and canals are among the most essential means of improving the condition of nations: and a people which should deliberately, by the organization of its authorized power, deprive itself of the faculty of multiplying its own blessings, would be as wise as a Creator who should undertake to constitute a human being without a heart.*"

INAUGURAL ADDRESS.

"Whatever is of domestic concernment, unconnected with the other members of the Union, or with foreign lands, belongs exclusively to the administration of the State Govern-

result of the last election was not only the restoration of the men of 1793, but the principles of that day, we have seen a great portion of the obnoxious doctrine then contended for again broadly advanced in the assumption that it was within the "constitutional competency" of the Executive to have sent ministers to the Congress of Panama, without the assent of the Senate; and, sir, to give a high finish to the picture, it is now strenuously contended, from a quarter in amity with the Executive, that the control of the rights and privileges of the Senators, on this floor, and their constituents, in a most essential particular, is a power inherent in the office of the Vice President of the United States. I have, sir, been brought up in opposition to that school of politics from which such principles are legitimate emanations. From my first acquaintance with public affairs to the present day, I have regarded it as sacred duty to resist them; and I consider myself, on this occasion, as in the discharge of that duty. The grave matters of which I have spoken, with much more of what I might have spoken, as daily passing before our eyes, are, as has been before observed, identical in principle with those which were so emphatically adjudged against by the people in 1800.* They are presented in a diffe-

ments. Whatsoever directly involves the rights and interests of the federalive* fraternity, or of foreign powers, is of the resort of this General Government. The duties of both are obvious in the general principles, though sometimes perplexed with difficulties in the detail."

PRESIDENT'S FIRST MESSAGE TO CONGRESS.

"Upon this first occasion of addressing the Legislature of the Union, with which I have been honored, in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them for promoting the internal improvement of our country, I cannot close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. *The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact. And no government, in whatever form constituted, can accomplish the lawful ends of its institution, but in proportion as it improves the condition of those over whom it is established.* Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement. *But moral, political, intellectual improvement, are duties assigned by the Author of our existence to social no less than to individual man. For the fulfillment of those duties, governments are invested with power; and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated powers is a duty as sacred and indispensable as the usurpation of powers not granted is criminal and vicious.*"

The principle of constitutional construction contained in the Ohio letter is distinctly repeated in the first message. In both, the powers of the Federal Government are referred, not to the enumeration and specification of them made with so much care by those who framed the constitution, but to the great purposes for which governments are instituted, and the duties assigned by the Author of our existence to social man; subjecting, of course, the questions as to what those "great purposes" and "duties," and the consequent powers of the Federal Government are, to no other restraints than the direction of those who hold the reins.

Is it not most preposterous, with such expositions of the constitution, to talk of this as a government of *specific and limited* powers? Would Alexander Hamilton, who was certainly among the most high-toned advocates of the constructive power of this Government, not have blushed to have had such doctrines attributed to him? His disclaimer of the authority now claimed for the Federal Government over the subject of internal improvements, is upon record, and there is in existence other and still more ample evidence of his dissent.

* Extract from the speech of James A. Bayard, on the Judiciary bill, in 1802.

"We were next told of the parties which have existed, divided by the opposite views of promoting executive power, and guarding the rights of the People. The gentleman did not tell us in plain language, but he wished it to be understood, that he and his friends were the guardians of the People's rights, and that we were the advocates of Executive power.

"I know that this is the distinction of a party which some gentlemen have been anxious to establish; but it is not the ground on which we divide. I am satisfied with the constitutional powers of the Executive, and never wished nor attempted to increase them; and I do not believe that gentlemen on the other side of the house ever had a serious apprehension of danger from an increase of executive authority. *No sir; our views as to the powers which ought to belong to the General and State Governments, are the true sources of our divisions.* I co-operate with the party to which I am attached because I believe their true object and end is an honest and efficient support of the General Government in the exercise of the legitimate powers of the constitution.

"I pray God I may be mistaken in the opinion I entertain as to the designs of gentlemen to whom I am opposed. Those designs I believe hostile to the powers of this Government. State pride extinguishes national sentiment. Whatever is taken from this Government is given to the States."

Better authority as to the old lines of party division, could not, on one side, be referred to, than that of Mr. Bayard. Although a zealous partisan, he did not, when his country was at war, forget that he was an American citizen. His noble bearing at that perilous crisis broke

rent and far more dangerous form; but they are, nevertheless, the same. The spirit of encroachment has, it is true, become more wary, but it is not a bit more honest. Heretofore the system was *coercion*, now it is *seduction*. Heretofore unconstitutional powers were exercised to *force* submission, now they are assumed to *purchase* golden opinions from the people with their own means. It is a great mistake, sir, to attribute the radical change in Government, effected contemporaneously with the election of Mr. Jefferson, either to excess of taxation, or practical oppression under the alien and sedition laws. Those doubtless produced great and just excitement; but it did not belong to their nature to produce such lasting consequences. Acts of individual oppression had been committed before, and have, in different degrees, been committed since. But, after having caused more or less of public excitement at the time, they have passed away with the occasion that produced them. Such is human nature now—such has it been in all ages of the world. The acts I have alluded to, highly exceptionable as they undoubtedly were, could never have produced an unyielding *exclusion from the confidence of a majority of the people, for more than a quarter of a century, of large masses of men distinguished for talent and private worth*. No sir, said he, the cause of that great and glorious struggle lies deeper—much deeper. It proceeded, not from the consequences of those acts, but from an opposition to the principle upon which they are founded—that principle was an *alarming extension of the constructive powers of this Government*—it arose, as he had before said, from a settled conviction in the minds of the people that a deliberate plan had been formed by the men then in power to change the Government from its true republican form, to one, if not monarchical, at least too much inclined to that direction. It was the apprehension that they were about to be despoiled of the promised fruits of the revolution, that aroused and called into vigorous action that same great spirit by which the revolution itself was accomplished. It is to that cause only that results unknown to the politics of any other country are to be attributed. The cause was at least adequate, if *all* the consequences have not been permanent. And what is the true character of the times upon which, in the course of events and the providence of God, we have fallen? Most unpropitious, truly.

If the views in relation to the powers of this Government, avowed by the present Executive, and which lie at the foundation of the present administration, are the true doctrines of the constitution, then was "*the great political revolution of 1800 founded in gross error, if not palpable fraud upon the people.*" Disguise the matter as you will, said he, "to this complexion must we come at last." It was not manifest, he said, that whatever effects the events of 1797-8-9 and 1800 had had upon the federal men of that day, their consequences upon the principles that then prevailed, have not been as effectual as was hoped, and for a season believed:

"We have scotched the snake, not killed it:
She'll close and be herself again."

But he trusted the prediction would not be verified. *She'll not close again*. The People will prevent it. He must indeed be a miserable judge of public sentiment, who cannot see in its daily indications that the same spirit which once before rescued the constitution from the hands of its enemies, is at this moment fully roused. The excesses of the last three years have produced in this country changes of public opinion wholly without precedent. The time, he trusted, was not far distant, when the interpolations which had been attempted upon the constitution, with the wretched sophisms by which they were supported, will be subjects of severe reprehension; nay, of derision, with the People; and when a great portion of the talents that have been employed in weaving the net, will need all its own ingenuity to escape its meshes. He hoped he had not been understood as supposing that all who had heretofore been ranked among the supporters of the high-toned doctrines he had condemned, must of consequence occupy the same station now. By no means. He would be ashamed of himself to be found the author of sentiments so contracted and illiberal. He knew too well that although, to a certain extent, names are things, they are not always the unerring evidence of the things they signify. *The full experiment, in peace and in war, which we have now had of the respective operations and efficiency of the Federal and State Governments, ought to satisfy every dispassionate inquirer after truth, of the fallacy of opinions once so extensively entertained*. Those who thought so, ought to abandon them, and all who are wise enough to be honest, will do so. It is of itself immaterial by what political appellation men have heretofore been called. The great question is, what are honestly their present sentiments upon those great points which have, from the beginning, divided the American People, and would, he feared, continue to do so to the end?

down the partition wall between him and his old opponents, and there is every reason to believe that if the councils of the country had been favored with the continuance of his splendid talents to the present period, the exemplary and efficient conduct of the States, the gradual and permanent improvements of their systems, together with the constantly accumulating evidence of the proneness of this Government to extend and abuse its powers, would have made the same impression on his mind that they have on the minds of many who once thought as he did.

Extract from a speech delivered by MARTIN VAN BUREN, in the Senate of the United States, on the 29th December, 1823, on the introduction of a proposition to amend the Constitution of the United States, in relation to the choice of President and Vice President. Reported for the National Intelligencer.

Having said this much upon that branch of the subject, Mr. Van Buren would proceed to state briefly another point, in which the proposition he offered differed essentially from the others proposed, and in which difference was involved a principle in the Government, as important, in his view, as any which had for sometime been discussed on that floor. In doing so, it was a subject of gratification to him, that this principle had no reference to the relative and conflicting interests of the States in the confederacy, but looked equally to the welfare and security of all. To a correct understanding of the point he wished to present, it became necessary to take a brief view of the principles upon, and the circumstances under which, our present form of Government was established. Under the articles of confederation, the representation of each State in the General Government was equal. The Union was in all respects purely Federal, a league of sovereign States upon equal terms. To remedy certain defects, by supplying certain powers, the convention which framed the present Constitution was called. That convention, it is now well known, was immediately divided into parties, on the interesting question of the extent of power to be given to the new Government: whether it should be federal or national; whether dependent upon, or independent of, the State Governments. It is equally well known, that that point, after having several times arrested the proceedings of the convention, and threatened a dissolution of the confederation, subsequently divided the people of the States on the question of ratification. He might add, that with the superadded question of what powers might have been given by the constitution to the General Government, to the agitation of which the feelings which sprung out in the convention greatly contributed, it had continued to divide the People of this country down to the present period. The party in the convention in favor of a more energetic Government, being unable to carry, or, if able, unwilling to hazard the success of the plan with the States, a middle course was agreed upon. That was, that the Government should be neither federal or national, but a mixture of both. That of the Legislative Department, one branch, the House of Representatives, should be wholly national, and the other, the Senate, wholly federal. That, in the choice of the Executive, both interests should be regarded, and that the Judicial should be organized by the other two. But to quiet effectually the apprehensions of the advocates for the rights and interests of the States, it was provided that the General Government should be made entirely dependent for its continuance, on the will and pleasure of the State Governments. Hence, it was decided that the House of Representatives should be apportioned among the States, with reference to their population, and chosen by the People; and power was given to Congress to regulate and secure their choice, independent of, and beyond the control of, the State Governments. That the Senate should be chosen exclusively by the State Legislatures, and that the choice of the electors of President and Vice President, although the principle of their apportionment was established by the constitution, should, in all respects, except the time of their meeting, be under the exclusive control of the Legislatures of the several States. The scheme of government thus formed, was submitted to the People of the respective States, through their Legislatures, for ratification. For a season its ratification was warmly opposed in almost every State. Although the control over the choice of but one branch of one department of the Government, was vested in Congress, danger to the rights of the States was every where apprehended, and the question of the ratification of the constitution rendered extremely doubtful.

To stem this torrent of opposition, the most distinguished commentators on the proposed plan (the authors of the Federalist,) placed strongly and truly before the people of the States, the fact of the dependence of the General upon the State Governments, and the constitutional right of these Governments, or even a majority of them, if the power they had conferred should be abused, to discontinue the new Government by withholding its Senate and Chief Magistrate. Among other things they said—"The State Governments may be regarded as constituent and essential parts of the Federal Government, whilst the latter is nowise essential to the operation or organization of the former. Without the intervention of the State Legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will, perhaps, in most cases, themselves determine it. The Senate will be elected absolutely and exclusively by the State Legislatures. Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men whose influence over the people obtains for themselves an election into the State Legislatures. Thus each of the principal branches of the Federal Government, will owe its existence, more or less, to the favor of State Governments, and must consequently feel a dependence which is much more likely to beget a disposition too obsequious, than too overbearing towards them." The ratification by a sufficient number of the States was obtained. On reference, however, to the proceedings of the State Conventions, it will be seen, that in several of the States, the control by Congress, over the choice of Representatives merely, was strongly remonstrated against. That amendments were proposed for its qualification, by the States of South Carolina, North Carolina, Virginia, Massachusetts, New Hampshire, Rhode Island and New York. That most of them resolved that it should be a standing instruction

to their Delegates in Congress, to endeavor to effect that and other amendments proposed. The position of the gentleman from New Jersey, to which Mr. Van Buren alluded, would, if adopted, break an important link in the chain of dependency of the General upon the State Governments. It would surrender to the General Government all control over the election of President and Vice President, by placing the choice of electors on the same footing with that of Representatives. It would at this time be premature to go into a minute examination of the provisions of the resolution alluded to, to show that such would be its effects. Upon examination, it would be found that such would be its construction. That it does in substance what another proposition, upon their table, originating in the other House, does in words. But even was there doubt upon that subject, that doubt should be removed by an express provision, reserving to the States their present control over the election, except as to what is particularly provided for in the resolution now proposed. If it is fit to take from the States their control over the choice of electors of President and Vice President, and give it to the Federal Government, it would be equally proper, under the popular idea of giving their election to the people, to divide the States into districts for the choice of Senators, as was proposed in the Convention, and give to Congress the control over their election also. If the system be once broken in upon in this respect, the other measure will naturally follow, and we will then have what was so much dreaded by those who have gone before us, and what he feared would be so much regretted by those who come after—a complete consolidated Government—a Government in which the State Governments would be no otherwise known or felt than as it became necessary to control them. To all this, Mr. Van Buren was opposed. He was so, because it was a matter not necessarily or fitly connected with the subject under consideration, that being a question between the States themselves, as to their relative interest, a question which might and ought to be settled, and leave their relation to the Federal Government as it stands at present. The other is a question between the States collectively and the Federal Government, affecting most materially the relation they now bear to each other. But, even if it were presented under different circumstances, he would oppose it—because, however ardent his attachment to the Federal Government, and however anxious he might be to sustain it in the exercise of the powers given to it by the constitution—and, in that respect, he would, he trusted, go as far as any man ought to go—he was unwilling to destroy or even to release its dependence on the State Governments. At the time of the adoption of the federal constitution, it was a question of much speculation and discussion, which of the two Governments would be most in danger from the accumulation of influence by the operation of the powers distributed by the constitution. That discussion was founded on the assumption that they were, in several respects, rival powers, and that such powers would always be found in collision. The best lights which could then be thrown upon the subject, were derived from the examples afforded by the fates of several of the Governments of the old world, which were deemed to be, in some respects, similar to ours. But the Governments in question having operated upon, and been administered by, people whose habits, characters, tempers, and conditions, were essentially different from ours, the inferences to be derived from that source, were, at best, unsatisfactory. Mr. Van Buren thought that experience, the only unerring criterion by which matters of this description could be tested, had settled for us the general point of the operation of the powers conferred by the constitution upon the relative strength and influence of the respective Governments. It was, in his judgment, susceptible of entire demonstration, that the federal constitution had worked a gradual, if not an undue increase of the strength and control of the General Government, and a correspondent reduction of the influence, and consequently of the respectability, of the State Governments. The evidence in support of this position was abundant, and if the matter should come under full discussion, could be readily afforded. He thought, further, that existing causes, which were every day gaining force, would, for the future, more rapidly increase that operation. He considered the qualified dependence of the General upon the State Governments, as their strong arm of defence to protect them against future abuses. Under that view of the subject, he was opposed to so material a change of the present condition of the respective Governments, as would be produced by the amendment to which he objected. He was in favor of leaving matters, in that respect, as they stood.

Extracts from the address of the republican members of the Legislature, to their constituents
March 9, 1813, written by Mr. Van Buren.

FELLOW-CITIZENS—It is not to the arbitrary mandates of despotic power, that your submission is demanded; it is not to the seductive wiles and artful blandishments of the corrupt minions of aristocracy, that your attention is called—but to an expression and discussion of the wishes and feelings of your representatives.

You are invited to listen with calmness and impartiality, to the sentiments and opinions of men who claim no right superior to yours,—who claim no authority to address you save that of custom; who would scorn to obtain the coincidence of your opinion by force or stratagem, and who seek no influence with you, except that which arises from conscious rectitude, from a community of hopes and of fears, of right and of interest.

In making this appeal, which is sanctioned by usage, and the necessity of which is rendered

imperious by the situation of our common country, we feel it to be our duty, as it is our wish, to speak to you in the language which alone becomes freemen to use—the language to which alone it becomes freemen to listen—the language of truth and sincerity;—to speak to you of things as they are, and as they should be,—to speak to you with unrestrained freedom, of your rights and your duties;—and if by so doing we shall be so fortunate as to convince you of the correctness of the opinions we hold; to communicate to you the anxious solicitude we feel for our country and its rights, to turn your attention from the minor considerations which have hitherto divided, distracted, and disgraced the American people, and to direct it exclusively to the contemplation and support of your national honor and national interests, *our first and only object* will be effected.

That tempest of passion and of lawless violence which has hitherto almost exclusively raged in the countries of the old world, which has ravaged the fairest portions of the earth, and caused her sons to drink deep of the cup of human misery—not satiated by the number of victims which have been sacrificed at its shrine, has reached our hitherto peaceful shores. After years of forbearance, in despite of concessions without number, and we had almost said, without limitation, that cruel and unrelenting spirit of oppression and injustice which has for centuries characterized the spirit of the British cabinet, overwhelmed nation after nation, and caused humanity to shed tears of blood, has involved us in a war,—on the termination of which are staked the present honor, and the future welfare of America.

While thus engaged in an arduous and interesting struggle with the open enemies of our land from without, the formation of your Government requires that you should exercise the elective franchise,—a right which in every other country has been destroyed by the ruthless hand of power, or blasted by the unhallowed touch of corruption; but which, by the blessings of a munificent Providence, has as yet been preserved to you in its purity.

The selection of your most important functionaries is at hand. In a Government like ours, where all power and sovereignty rests with the people, the exercise of this right, and the consequent expression of public interest and public feeling, is, on ordinary occasion, a matter of deep concern, but at a period like the present, of *vital* importance;—to satisfy you of that importance, and to advise you in its exercise, is the object of this address.

Fellow-citizen—Your country is at war, and Great Britain is her enemy. Indulge us in a brief examination of the causes which have led to it; and brief as from the necessary limits of an address it must be,—we yet hope it will be found sufficient to convince every honest man, of the *HIGH JUSTICE AND INDISPENSABLE NECESSITY OF THE ATTITUDE WHICH OUR GOVERNMENT HAS TAKEN*; OF THE SACRED DUTY OF EVERY REAL AMERICAN TO SUPPORT IT IN THAT ATTITUDE, AND OF THE PARRICIDAL VIEWS OF THOSE WHO REFUSE TO DO SO.

[Here follows an eloquent summary of the causes which led to the war—of the preliminary efforts, the embargo, non-intercourse, &c. to induce the belligerent nations to do us justice, without a resort to that alternative—and of the series of aggressions on the part of Great Britain, which rendered it, in the language of the address, a measure of “high justice and indispensable necessity.”]

By this last act [the disavowal of the British Government of the arrangement of Mr. Erskine, and the formal re-enactment, by that Government, of the orders in council,] the doors of conciliation were effectually closed. The American people—a people rich in resources, possessed of a high sense of national honor, the only free people on earth—add resolved in the face of an observing world, that *these orders were a direct attack upon their sovereignty; that a submission to them involved a surrender of their independence*—and a solemn determination to adhere to them, was officially declared by the ruler of the British nation. Thus situated, what was your Government to do? Was there room for doubt or hesitation as to the hostile views of England? No. Lest such doubts might prevent a rupture, to acts of violent injustice, were continually added acts of the most opprobrious insult. While the formal relations of amity remained yet unbroken—while peace was yet supposed to exist—in cool blood an unprovoked attack is made upon one of your national ships, and several American citizens basely and cowardly murdered. At the moment your feelings were at the highest pitch of irritation in consequence of the perfidious disavowal of Erskine's agreement, a minister is sent, not to minister to your rights—not to extenuate the conduct of his predecessor—but *to beard your Executive—to add insult to injury; and to fling contumely and reproach in the face of the Executive of the American nation, in the presence of the American people.*

To cap the climax of her iniquity; to fill up the measure of our wrongs; she resolved to persist in another measure, surpassed by none in flagrant enormity—a measure which of itself was adequate cause of war—a measure which had excited the liveliest solicitude, and received the unremitting attention of every administration of our Government, from the time of Washington to the present day; the wicked, the odious and detestable practice of impressing American seamen into her service; of entombing our sons within the walls of her ships of war: compelling them to waste their lives, and spill their blood, in the service of a foreign government—a practice which subjected every American tar to the violence and petty tyranny of a British midshipman, and many of them to a life of the most galling servitude—a practice which can never be submitted to by a nation professing claims to freedom; which never can be acquiesced in by Government without rescinding the great article of our safety, *the reciprocity of obedience and protection between the rulers and the ruled.*

Under such accumulated circumstances of insult and of injury, we ask again, what was your Government to do? We put the question not "to that faction which misrepresents the Government to the people, and the people to the Government; traduces one-half of the nation to cajole the other—and by keeping up distrust and division, wishes to become the proud arbiter of the fortune and fate of America,"—not to them, but to every *sound head and honest heart* in the nation it is that we put the question,—What was your Government to do? Was she basely and ingloriously to abandon the rights for which you and your fathers fought and bled? Was she so early to cower to the nation which had sought to strangle us in our infancy, and which has never ceased to retard our approach to manhood? No; we will not for a moment doubt, that every man who is in truth and in fact an American, will say that **WAR, AND WAR ALONE**, *was our only refuge from national degradation,—our only course to national prosperity.*

Fellow-Citizens—Throughout the whole period of the political struggles, which if they have not absolutely disgraced, have certainly not exalted, our character; no remark was more common—no expectation more cheerfully indulged in—than that those severe and malevolent contentions would only be sustained in time of peace; that when the country should be involved in war, every wish and every sentiment would be exclusively American. But unfortunately for our country, those reasonable expectations have not been realized, notwithstanding every one knows, that the power of declaring war, and the duty of supporting it, belong to the General Government; notwithstanding that the constitutional remedy for the removal of the men to whom this power is thus delegated, has recently been afforded; notwithstanding the re-election of the same President by whom this war was commenced, and a majority of representatives whose estimate of our rights, and whose views are similar to those who first declared it; men, who by the provisions of the constitution, must retain their respective stations for a period of such duration, as precludes a continued opposition of their measures without a complete destruction of our national interest—an opposition at once unceasing and malignant, is still continued to every measure of the Administration.

Fellow-citizens, these things will not do. They are intrinsically wrong; *your country has engaged in a war in the last degree unavoidable*; it is not waged to the destruction of the rights of others; but in defence of our own; it is, therefore, your bounden duty to support her. You should lay down the character of *partisans* and become *patriots*; for, in every country, "war becomes an occasional duty, though it ought never to be made an occupation. Every man should become a soldier in defence of his rights; no man ought to continue a soldier for offending the rights of others." In despite of truths so self-evident, of incentives to a vigorous support of Government so pressing, we yet have to deplore the existence of a faction in the bosom of our land, whose perseverance and industry are exceeded only by their inveteracy; who seek through every avenue to mislead your judgment and to inflame your passions.

When your Government pursues a pacific policy, it becomes the object of their scorn and derision; the want of energy in your rulers is decried, as a matter of alarming consideration; the injuries of your country are admitted, and the fact is triumphantly alleged that "the administration cannot be kicked into a war." When they are impelled to a forcible vindication of our rights, the cry of enmity to peace, of a wish to war with England to serve France, is immediately resounded through the land. When war is declared, public opinion is sought to be prejudiced against the measure, as evincing a disposition unnecessarily to shed your blood, and waste your treasures. When it is discovered, that that declaration is accompanied with a proposition, a just and equitable proposition, to the enemy, on which hostilities may cease and peace be restored, that proposition is derided as evidence of the most disgraceful pusillanimity. No falsehood is considered too glaring, no misrepresentation too flagitious, to impose on your credulity, and seduce your affections from your native land.

Lest general allegations might fail to affect their unholy purposes, and consummate their dark designs, specific charges are resorted to—calumnies which have again and again met the detestation of an enlightened public, are periodically brought forward, new dressed, and with new authorities to give them credence with you. Among the most prominent of those charges, is that of enmity to commerce, on the part of the republican administrations. Never was there a calumny more wicked. Enmity to commerce! We ask, and we ask emphatically, where is the evidence of it? What is the basis on which they rest their claim to public confidence? It is that the administration is engaged in a war which they claim to be unpopular. What are the causes for which this war is waged, and which have hitherto embroiled us with the nations of Europe? They are the *violation of our commercial rights, and the impressment of our seamen!* The Administration then, are jeopardising their interest with the people; they furnish weapons of offence to their adversaries; they brave all dangers, for the maintenance and support of our commercial rights; and yet they are enemies of commerce! Can such base sophistry, such contemptible nonsense, impose on the credulity, or pervert the understanding of a single honest man?

As auxiliary to this unfounded aspersion, the oft-exploded, the ten-thousand-times-refuted tale of *French influence*, is ever and anon brought upon the carpet. It would be insulting to your understandings to detain you by a discussion of this odious and insulting insinu-

ation. Was it evidences of French influence on the adoption of every measure of commercial restriction, to place both France and England on the same footing? Was it evidence of French influence to cause it to be officially notified to the court of St. James, on the adoption of each of those measures, that in case they rescinded their orders in council, the United States would assume a hostile attitude towards France? Was it evidence of French influence to embrace the earliest opportunity to conclude the arrangement with Erskine—leaving our affairs with France in a hostile attitude? If not, where, then, is the evidence to support this impudent censure? Is it to be found in a similarity of manners, of language, or of feelings? When an Englishman visits your country, is he not received with the familiarity, and cherished with the hospitality of a friend? Is a Frenchman ever treated by you otherwise than as a stranger? Away, then, with those whining, canting professions, of fears and apprehensions of the danger of French influence. Intelligence must reject, and integrity abhor them.

But to crown this picture of folly and of mischief, they approach you under a garb which at once evinces their contempt for your understanding, and their total want of confidence in your patriotism; under a garb which should receive the most distinct marks of your detestation; they are “THE FRIENDS OF PEACE!” While our enemies are waging against us a cruel and bloody war, they cry “peace.” While our western wilds are whitening with the bones of our murdered women and children—while their blood is yet trickling down the walls of their former habitations—while the Indian war whoop and the British drum are in unison saluting the ears, and the British dagger and the Indian tomahawk suspended over the heads of our citizens—at such a time, when the soul of every man who has sensibility to feel his country’s wrongs, and spirit to defend her rights, should be in arms—it is that they cry PEACE! While the brave American tar, the intrepid defender of our rights and redeemer of our national character, the present boast and future honor of our land—is impressed by force into a service he detests, which compels a brother to imbrue his hands in a brother’s blood—while he is yet “tossing upon the surface of the ocean, and mingling his groans with those tempests, less savage than his persecutors, that waft him to a returnless distance from his family and his home”—it is at such a period, when there is no peace, when there can be no peace, without sacrificing every thing valuable—that our feelings are insulted, the public arm paralyzed, and the public ear stunned by the dastardly and incessant cry of PEACE! What, fellow-citizens, must be the opinion which they entertain of you, who thus assail you? Can any man be so stupid as not to perceive that it is an appeal to your fears, to your avarice, and to all the baser passions which actuates the human heart? that it is approaching you in the manner in which alone, those puny politicians who buzz about you and thicken the political atmosphere, say you are accessible—through your fears and your pockets? Can any American citizen be so profligate as not to spurn indignantly the base libel upon his character?

Suffer yourselves not to be deceived by the pretence, that because Great Britain has been forced by her subjects to make a qualified repeal of her orders, our Government ought to abandon her ground. That ground was taken to resist two great and crying grievances, the *destruction of our commerce*, and THE IMPRESSMENT OF OUR SEAMEN. The latter is the most important, in proportion as we prefer the liberties and lives of our citizens to their property. Distrust, therefore, the man who would advise your Government at any time, and more especially at this time, when your brave sailors are exciting the admiration and forcing the respect of an astonished world; when their deeds of heroic valor make old Ocean smile at the humiliation of her ancient tyrant—at such a time, we say again, mark the man who would countenance Government in COMMUTING OUR SAILORS’ RIGHTS FOR THE SAFETY OF OUR MERCHANTS’ GOODS.

Next to the cry for peace, the most potent spell which has been resorted to, to alarm your fears and pervert your understandings, is the alleged distress of the country. Fellow-citizens, it has been our object, it is our wish, to treat you fairly, to appeal to your judgments, not to your passions; and as we hope our address to you hitherto has been marked by that character—it is to your consciences, then, that we appeal upon this subject. Is not this clamor most unfounded, most ungrateful? If you doubt that it is so, if you hesitate to believe that it originates exclusively with the ambitious and designing, spend one moment in comparing your situation with that of the major part of the civilized world.

[Here follows a rapid and graphic sketch of the condition of the several European nations, concluding with the following interrogation: “Look at the whole map of Europe, contrast your own situation with theirs, and then answer us, is it not wicked and impious to repine at our enviable lot?”]

Fellow-citizens: Should those political wittlings, who are not only ignorant themselves of the leading points of controversy in our disputes with the belligerents, who are uniformly assailing you as men destitute at once of spirit and of judgment; should they point to the wars which agitate and have convulsed Europe, as arguments against the prosecution of that just and necessary one which has been forced upon us, we know that you will indignantly reject the unfounded suggestion. The wars of Europe are waged by monarchs, to gratify their individual malice, their individual caprice, and to satiate their lawless ambition. Ours is in defence of rights which must be defended, or our glory as a nation will be extinguished—the sun of our greatness will set forever. As well might it have been said during the revolution, that war should not be waged, because wars had desolated Europe. The same rights you then fought

to obtain, you must now fight to preserve—the contest is the same now as it was then—and the feelings which then agitated the public mind, which on the one hand supported, and on the other sought to destroy, the liberties of the country, will be seen and felt in the conduct of the men of this day.

Fellow-citizens, we are compelled to close this appeal to you. The limits of an address will not permit us to do justice to the various subjects which should occupy your attention. We are aware that this has been already unreasonably extended; but the period has arrived when mere words and idle declarations must be unavailing; we have therefore felt it our duty to give you, as far as practicable, a clear view of your true situation, of your legitimate duties. Unfortunately for us, when we ought to be a united, we are a divided people—the divisions which agitate us are not as to men only, but to principle; you will be called on at the next election to choose between different candidates, not only for the two great offices of State, Governor and Lieutenant Governor, but for every other elective office—to make a selection which the actual situation of your country renders infinite importance.

We are divided between the supporters and opposers of our Government; we have witnessed the distressing truth that it is not in the power of circumstances to destroy the virulence of party spirit; the opposition offer for your support men, who, whatever their private wishes may be, are devoted to the support of a party whose views and whose conduct we have attempted to delineate. In opposition to them, we respectfully solicit your support for the men whose nomination accompanies this address, one of whom, DANIEL D. TOMPKINS, has for six years served you in the capacity which we now offer him; the other, JOHN TAYLOR, has for many years served you in the most responsible situations. The notoriety of their merits supersedes the necessity of our eulogium; their lives are their best encomiums; they are the true friends of commerce; their views are, and their conduct will be, in unison with the measures of the General Government; they are the sincere friends of an honorable peace, the firm and energetic opposers of a base surrender of our rights.

We respectfully solicit for them your undivided support. We solemnly conjure every real friend to his country to reflect on the danger of abandoning his Government at a period so perilous; to reflect on the impropriety of even indirectly aiding the views of our enemies by continuing his opposition to Government at a period so eventful.

Alluding to the republicans who had advocated Mr. Clinton's election to the Presidency, the address has the following appeal: We solicit the honest men of *all parties* to remember that ours is the last republic—that all the influence of the crowned heads of Europe has been exerted to propagate the doctrine that a government like ours can never stand the rude shock of war; to reflect that this is the first occasion in which this Government has been engaged in a war, and that the great and interesting questions, whether man is capable of self-government, whether our republic must go the way of its predecessors, or whether, supported by the hearts and arms of her free citizens, she shall deride the revilings and defeat the machinations of her enemies, are *now to be tried*.

Fellow-citizens, in the result of our elections during the continuance of this war, these important considerations are involved—the question of WHO IS FOR HIS COUNTRY OR AGAINST HIS COUNTRY must now be tried—the eyes of Europe are directed towards us—the efficacy of your mild and wholesome form of Government is put to the test. *To the polls*, then, and by a united and vigorous support of the candidates we submit to you, discharge the great duty you owe to your country, preserve for your posterity the rich inheritance which has been left you by your ancestors, that future ages may triumphantly point to the course you pursued on this interesting occasion, as evidence that time has not as yet extinguished that spirit which actuated the heroes of *Breed's Hill* and of *Yorktown*; of those who fell at *Camden*, and of those who conquered on the plains of *Saratoga*.

On the 14th of April 1814, Mr. VAN BUREN addressed a meeting composed of the Republican members of the Legislature, and of Republicans from different parts of the State, held at the capitol in the city of Albany, and called to take into consideration the alarming state of public affairs.

At the conclusion of his address he submitted the following resolutions, which were adopted by acclamation:

At this interesting period of our national affairs, when our Government is combatting with a wily, vindictive, and sanguinary foe; when domestic disaffection and foreign partialities present their fronts at every corner; and when the present hopes and future prospects of the people of New York are to be tested by the exercise of the elective franchise—at a period of such anxiety and solicitude, this meeting, composed of citizens from almost every section of the State, take the liberty of publicly expressing their sentiments on the subject.

That "every difference of opinion is not a difference of principle"—that on the various operations of Government with which the public welfare is connected, an honest difference of opinion may exist—that when those differences are discussed, and the principles of contending parties are supported with candor, fairness, and moderation, the very discord which is thus produced may, in a government like ours, be conducive to the public good—we cheerfully admit.

But when, on the other hand, the opposition clearly evince that all their clamors are the result of predetermined and immutable hostility—when, as between their own Government, and the open enemies of the land, they dare, as circumstances may require, unblushingly

justify, excuse or palliate the conduct of the latter, and falsify, calumniate and condemn that of the former—when too in the means which are used to effect such unhallowed purposes, they are alike indifferent to the salutary provisions of the constitution, to the requisitions of national interest and the obvious dictates of national honor; that at such a time it is the duty of every sound patriot to do his utmost to arrest their guilty career, and to rescue from their aspiring grasp his bleeding country, no good man will deny.

To prove that such has been the conduct and that such are and have been the views of the party in this country, which styles itself *federal*; that their "history is a history of repeated injuries and usurpations, all having for their object" either the subjection of the rights and interests of their country, to her ancient and unceasing foe, or a base prostitution of its fair fame for selfish and ambitious purposes, "let facts be submitted to an intelligent and patriotic people."

Their opposition for the last thirteen years has been universal, malignant and unceasing.

Their opposition was equally virulent when our country was basking in the sunshine of unparalleled prosperity, as it has been while her political horizon has been obscured by the clouds of adversity.

They opposed the abolition of internal taxes, when those taxes were rendered unnecessary by the general prosperity of the country.

They opposed the imposition of the same taxes, when the imposition became necessary to the maintenance of our national honor.

They opposed the reduction of the national debt, when the means of its reduction were in the power of Government.

They opposed the increase of the national debt, when its increase or an abandonment of every attribute of a free people had become our only alternative.

They clamored much on account of the aggressions on our commerce by the belligerents, and their merchants presented petition after petition, and memorial after memorial, to Congress, that they should vindicate our commercial rights.

They have uniformly calumniated and opposed every measure of the Government adopted for their vindication or support.

They opposed all commercial restrictions on the ground of their inefficacy, contended that war and war alone was the proper course for Government to pursue, and on this subject they triumphantly declared "that the administration could not be kicked into a war."

They opposed the war when it was declared, on the ground that it was impolitic, unjust and unnecessary.

They have always claimed to be the friends of order and the constitution, and as such friends of order and the constitution, their opposition to Government in the prosecution of the present just and necessary war, has been characterized by acts of violence and depravity without a parallel in the history of any civilized government.

To enumerate the various acts by which the feelings of the American People have been wounded and insulted, this occasion will not permit; let the most prominent, therefore, be alone considered. While the combined power of the enemy and his savage allies has been directed against us, and our frontiers have been drenched with the blood of unoffending women and children, the undivided powers of the opposition have been exerted;

To destroy all confidence between the People and their Government;

To misrepresent the latter, and to deceive, distract and cajole the former: to deprive the Government of the two great sinews of war, men and money; preventing enlistments by discountenancing and calumniating both officers and soldiers; defeating the necessary loans by attempting to shake the confidence of the people in the stability of their Government;

To render the war odious and unpopular, by the most flagrant perversions of the matter in controversy, and of the pretensions of our Government; by the most criminal justification of the conduct of the enemy; and by the vilest extenuation of all their enormities;

To paralyze the arm of Government and frighten the weak and timid from its support, by exciting insurrection and rebellion in the east; by openly threatening a dissolution of the Union, and laboring incessantly to sow the seeds of jealousy and disunion between the Northern and Southern States; and by exercising in each state the same unworthy means as are practised by them throughout the Union.

For while in this State they profess great solicitude for the sufferings of our citizens on the frontiers they have invariably opposed the raising a volunteer corps for their defence, unless under the disgraceful stipulation that they shall not annoy the enemy.

While also they seek to hide the deformity of their conduct in relation to our army, by professing attachment to the naval service; we find them opposing with disgusting violence a bill to encourage privateering which passed the Senate of this State, but was negatived by the Assembly, because it had for its object to harass the enemy.

But we forbear the enumeration of acts evincing such deplorable degeneracy in a great portion of the American people; acts so well calculated to continue the war into which our country has been driven, to tarnish our national character, and, unless successfully resisted, to drive our Government to an injurious and disgraceful peace: Therefore,

Resolved, That, while we congratulate our fellow-citizens on the happy revival of the feelings, sentiments, and spirit, of the revolution, which is every where manifesting itself, and our republican brethren, in particular, on the heart cheering zeal and unanimity which pervade

their ranks, which promise the total overthrow of that anti-American spirit which, disguised under the specious garb of *federalism*, has too long preyed upon the vitals of the nation, and which excite a lively hope that the councils of this great and powerful State will speedily be wholly rescued from the hands of those who have disgraced them. We warmly and earnestly conjure our republican brethren, by the regard they have for their own rights; by the love they bear their country; and by the manes of the departed worthies of the revolution, to be up and doing, and so to act, that at the termination of the contest, each of them may triumphantly exclaim, "I have fought a good fight—I have finished my course—I have kept the faith."

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